



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) No.244 OF 2024
IN
FIRST APPEAL ST. No.17601 OF 2022

(Janardhan Narayan Padmawar (dead), through LRs. Ram Janardhan Padmawar Vs. The
State of Maharashtra, through Collector, Yavatmal and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. L.B. Rathi, Advocate for the appellant.
Mrs. M.S. Naik, AGP for respondent Nos.1 and 2.

CORAM : G.A. SANAP, J.
DATE : 01st MARCH, 2024.

1. Heard learned advocate for the appellant.
2. Issue notice to the respondents.
3. Mrs. M.S. Naik, learned A.G.P. waives notice on behalf of respondent Nos.1 and 2.
4. Mr. M.A. Kadu, learned Advocate waives notice on behalf of respondent Nos.3 and 4.
5. This is an application for condonation of 10331 days delay caused in filing appeal against impugned judgment and award dated 18.4.1992 passed by the Reference Court. The reasons have been stated in the application.
6. Relying upon a decision in the case of *New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (Dead), through Legal Heir*

and another (2022 SCC Online SC 1599), delay can be condoned, subject to condition that the original land owners/claimants/appellants herein shall not be entitled to get any statutory benefits, including the interest payable under the Land Acquisition Act, 1894 on the enhanced amount of compensation for the delayed period.

7. Learned advocate for the applicant/appellant submits that the Court may pass an appropriate order.

8. In view of above, the application is allowed.

9. The delay of 10331 days caused in filing appeal stands condoned.

10. It is made clear that the original land owner/claimant/appellant herein shall not be entitled to get any statutory benefits, including the interest payable under the Land Acquisition Act on the enhanced amount of compensation for the delay period of 10331 days, in case the appeal is allowed.

11. The appeal be registered.

12. The application stands disposed of accordingly.

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1. The appellant is allowed to correct the address of the respondent No.3.

2. Heard.

3. **Admit.**

4. Mrs. M.S. Naik, learned A.G.P. waives notice on behalf of respondent Nos.1 and 2.

5. Mr. M.A. Kadu, learned Advocate waives notice on behalf of respondent Nos.3 and 4.
6. Call for the record and proceedings.
7. Paper book be filed within twelve weeks from receipt of the record and proceedings. If the paper book is not filed within the said period, then the appeal shall stand dismissed without reference to the Court.

(G.A. SANAP, J.)