



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

CIVIL APPLICATION (CAF) NO. 259 OF 2024

IN

FIRST APPEAL ST. NO. 9774 OF 2023

SAHEBRAO S/O BAJIRAO SHEWALE (SINCE EXPIRED) THROUGH LEGAL HEIRS AND
AND OTHERS

Vrs.

STATE OF MAHARASHTRA AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Bhendarkar, Advocate h/f Shri Anup Dhore, Advocate for
applicants.

Shri M.A.Kadu, AGP for respondent Nos.1 and 2.

CORAM: SANJAY A. DESHMUKH, J.

DATE : 24/06/2024.

1. This is an application for condonation of
delay of 1900 days caused for preferring the first appeal
under Section 5 of the Limitation Act.

2. Heard learned counsel for the respective
parties.

3. Learned counsel for the respondents have
strongly objected.

4. Considering the nature of the proceedings
and the peculiar set of facts as well as reasons stated in
the application, the application is allowed, in the interest
of justice.

5. It is made clear that in view of the decision in
the case of **New Okhla Industrial Development Authority v.
Rameshwar @ Ramesh Chandra Sharma (Dead), through**

Legal Heir and another (2022 SCC Online SC 1599), the original land owners/claimants/appellants herein shall not be entitled to get any statutory benefits, including the interest payment under the Land Acquisition Act on the enhanced amount of compensation for the delayed period, in case the appeal is allowed.

6. The application is disposed of.

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7. Heard.

8. **Admit.**

9. Call for Record and Proceedings.

10. Shri M. A. Kadu, learned AGP waives service of notice for respondent Nos.1 and 2.

11. Stand over after four weeks.

[SANJAY A. DESHMUKH, J.]