



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

CIVIL APPLICATION (CAF) NO. 874 OF 2024

IN

FIRST APPEAL ST. NO. 11218 OF 2023

Shyamrao S/o. Vishwanath Ajabale (Dead) thr. L.Rs. & Ors.

Vs.

State of Maharashtra, through Collector, Civil Lines, Nagpur & Anr.

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

Court's or Judge's orders

Mrs. Rajkumari Rai, Advocate for the Applicants/Appellants.

Ms. Sonia N. Thakur, AGP for Respondent No.1.

CORAM : G. A. SANAP, J.

DATED : 15th APRIL, 2024.

1. Heard learned advocate for the applicants/appellants and learned AGP for respondent No.1. Respondent No.2 though served has not appeared.

2. This is an application for condonation of 3150 days delay caused in filing the appeal against the impugned judgment and award dated 16.08.2012, passed by the Reference Court. The reasons have been stated in the application.

3. Learned AGP for respondent No.1, 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]*, submits that delay may be condoned, subject to condition that the original land owners/claimants/appellants herein shall not be entitled to get statutory benefits, including the interest payable under the Land Acquisition Act, 1894 on the enhanced amount of compensation for the delayed period.

4. Learned advocate for the applicants/appellants submits that the Court may pass an appropriate order.

5. In view of the above, the application is allowed. Delay of 3150 days caused in filing the appeal, is condoned.

6. It is made clear 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 on the enhanced amount of compensation for the delayed period of 3150 days, in case the appeal is allowed.

7. The appeal be registered.

8. The application stands disposed of, accordingly.

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9. Heard.

10. **ADMIT.**

11. Learned AGP waives service of notice on behalf of respondent No.1.

12. Issue notice to respondent No.2, returnable within six weeks.

13. Call for record and proceedings.

14. Paper book be filed within twelve weeks from the date of receipt of record and proceedings.

(G. A. SANAP, J.)

Vijay