



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

CIVIL APPLICATION (CAF) NO. 1152 OF 2024

IN

FIRST APPEAL ST. NO. 21013 OF 2023

Uma D/o. Jainarayan Agrawal

Vs.

The State of Maharashtra, through Collector, Yavatmal & Ors.

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

Court's or Judge's orders

Mr. A.B. Nakshane, Advocate for the Applicant/Appellant.

Ms. Prachi Joshi, AGP for Respondent Nos.1 & 2.

Mr. M.A. Kadu Advocate for Respondent Nos.3 & 4.

CORAM : G. A. SANAP, J.

DATED : 17th APRIL, 2024.

- . Issue notice to the respondents.
2. Learned AGP waives service of notice on behalf of respondent Nos.1 and 2.
3. Learned advocate Mr. M.A. Kadu waives service of notice on behalf of respondent Nos.3 and 4.
4. This is an application for condonation of 1876 days delay caused in filing the appeal against the impugned judgment and award dated 13.06.2016, passed by the Reference Court. The reasons have been stated in the application.
5. Heard learned advocates for the parties. Perused the record and proceedings.
6. Learned AGP for respondent Nos.1 and 2, 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 owner/claimant/appellant 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.

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

8. In view of the above, the application is allowed. Delay of 1876 days caused in filing the appeal, is condoned.

9. 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 delayed period of 1876 days, in case the appeal is allowed.

10. The appeal be registered.

11. The application stands disposed of, accordingly.

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12. Heard.

13. **ADMIT.**

14. Learned AGP waives service of notice on behalf of respondent Nos.1 and 2.

15. Learned advocate Mr. M.A. Kadu waives service of notice on behalf of respondent Nos.3 and 4.

16. Call for record and proceedings.

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

(G. A. SANAP, J.)

Vijay