



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

CIVIL APPLICATION (CAF) No.2754 OF 2024
IN
FIRST APPEAL ST. No.24264 OF 2023

(Salubai wd/o. Raghunath Koshti (dead), through LRs. Machhindra s/o. Raghunath Koshti and others Vs. The State of Maharashtra, represented by the 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. S.V. Ingole, Advocate for appellant.
Ms. M.R. Kavimandan, AGP for respondent Nos.1 and 2.
Mr. Chetan Bhalavi h/f. Mr. M.A. Kadu, Advocate for respondent No.3.

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : **4th OCTOBER, 2024.**

1. Issue notice to the respondents.
2. Ms. M.R. Kavimandan, learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2.
3. Mr. Chetan Bhalavi h/f. Mr. M.A. Kadu, learned Advocate waives service of notice on behalf of respondent No.3.
4. This is an application for condonation of delay of 3576 days caused for filing the appeal.
5. Perused the application.
6. Heard learned Advocates of both sides.
7. Learned A.G.P. for the respondent Nos.1 and 2 strongly opposed the application.
8. Mr. Chetan Bhalavi h/f. Mr. M.A. Kadu for the respondent No.3 also strongly opposed the application.

9. On perusal of application it appears that the delay is not deliberately caused.

10. In view of judgment of **New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (Dead), through Legal Heir and another (2022) SCC Online SC 1599**, the applicants will not be entitled to get any statutory benefits, including the interest payment if the application is allowed and compensation amount is enhanced for the period of 3576 days.

11. Considering the grounds raised in the application and the law laid down in the aforesaid authority the application deserves to be allowed in the interest of justice. However, the costs shall not be imposed in view of the fact that the applicants are poor farmers.

13. The application is allowed.

14. The delay of 3576 days caused in filing the appeal is condoned.

15. It is clarified that in view of the judgment *New Okhla Industrial Development Authority* (supra) the applicants shall not be entitled for the statutory benefits like interest etc. for the period of delay of 3576 days.

16. The application is disposed of.

FIRST APPEAL ST. No.24264 OF 2023.

1. Issue notice to the respondents.

2. Ms. M.R. Kavimandan, learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2.

3. Mr. Chetan Bhalavi h/f. Mr. M.A. Kadu, learned Advocate waives service of notice on behalf of

respondent No.3.

4. **Admit.**

5. Call R. & P.

6. Filing of the paper-book is dispensed with, subject to the condition that appellants shall provide copy of documents which they are relying upon to the respondents.

(SANJAY A. DESHMUKH, J.)