



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

CIVIL APPLICATION (CAF) NO.3179 OF 2024

IN

FIRST APPEAL ST. NO. 25496 OF 2023

ARUN S/O GANPATRAO KUTHE

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

Ms. Rajkumari Rai, Advocate for applicant/appellant.
Shri S. C. Joshi, AGP for respondent Nos.1 and 2.
Shri T. M. Zaheer, Advocate for respondent No.3.

CORAM: SANJAY A. DESHMUKH, J.

DATE : 18/12/2024.

1. This is an application for condonation of delay of 6109 days caused for filing appeal.
2. Perused the application.
3. Heard learned Advocates for both sides.
4. Learned Advocate for the respondents have strongly objected the application.
5. Learned advocate for the applicant pointed out that the agriculturists of the same village have got more amount of compensation as per the Judgment of this Court. They came to know that they will also get enhanced amount of compensation. Therefore, it is prayed to allow the application, in the interest of justice, as the delay is not deliberately caused.
6. On perusal of application and in view of the law laid down in the case of **Imrat Lal and others / Land Acquisition Collector and others, reported in 2014 (14)**

SCC 133, such applications of the applicants are to be dealt with liberally by condoning the delay, in the interest of justice. Delay is not deliberately caused. Application therefore, deserves to be allowed. However, considering the fact that applicant is farmer, costs cannot be saddled upon him.

7. It is clarified that if the amount of compensation is enhanced as per the law laid down by the Hon'ble Supreme Court in the case of **Imrat Lal (cited supra)**, the applicant will not be entitled for statutory benefits like interest, etc. for the delayed period of 6109 days.

8. Application is allowed and disposed of.

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9. Issue notice to the respondents.

10. Shri S. C. Joshi, learned AGP waives service of notice for respondent Nos.1 and 2.

11. Shri T. M. Zaheer, learned advocate waives service of notice for respondent No.3.

12. Call for Record and Proceedings.

13. Filing of paper book is dispensed with.

14. Report of the Registry is that no such appeal is filed by the appellant earlier against the said Judgment and award of the Reference Court.

15. Stand over after five weeks.

[SANJAY A. DESHMUKH, J.]