



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

CIVIL APPLICATION (CAO) NO. 08 OF 2024

IN

MISC. CIVIL APPLICATION ST. NO. 16401 OF 2023

IN

FIRST APPEAL ST. NO. 7589 OF 2022

Subhash Ganpat Diware & Anr.

Vs.

State of Maharashtra, through Collector, Amravati & Ors.

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

Court's or Judge's orders

Ms. Shreya Bhagat, Advocate h/f. Mr. P.R. Agrawal, Advocate for the
Applicants/Appellants.

Mr. K.R. Lule, AGP for Respondent Nos.1 & 2/State.

CORAM : G. A. SANAP, J.

DATED : 3rd JANUARY, 2024.

Heard learned advocates for the parties.

2. This is an application for condonation of 247 days delay caused in filing an application for restoration of the appeal.

3. The reasons have been stated in the application.

4. 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 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.

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

6. In view of the above, the application is allowed. Delay of 247 days caused in filing an application for restoration of the appeal, is condoned.

7. 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 247 days, in case the appeal is allowed.

8. The misc. civil application be registered.

9. The application stands disposed of accordingly.

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10. Heard learned advocates for the parties.

11. The reasons have been stated in the application.

12. In view of the reasons stated in the application, the application is allowed. The order of dismissal of the appeal is recalled. The appeal be restored to file.

13. The application stands disposed of accordingly.

(G. A. SANAP, J.)

Vijay