



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

CIVIL APPLICATION (CAO) NO. 34 OF 2024
IN
MISC. CIVIL APPLICATION ST. NO. 11552 OF 2023
IN
FIRST APPEAL ST. NO. 7820 OF 2022

FATMABI W/o HABIB KHAN

VERSUS

STATE OF MAH., THRU. THE COLLECTOR, YAVATMAL AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N. M. Kolhe, Advocate for the applicant.
Mr. Ganesh Umale, A.G.P. for respondent nos.1 and 3
Mr. M. A. Kadu, Advocate for respondent no.2

CORAM : G. A. SANAP, J.

DATE : JANUARY 08, 2024.

1. Heard learned advocate for the applicant, learned AGP for respondent nos.1 and 3 and learned advocate for respondent no.2.
2. This is an application for condonation of delay of 196 days caused in filing application for restoration of First Appeal St. No. 7820 of 2022.
3. The appeal was dismissed for non-removal of the office objections. The reasons have been stated in the application.
4. In view of the decision in *New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (Dead), through Legal Heir and another (2022 SCC Online SC 1599)*, the delay can be condoned,

subject to condition 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, 1894 on the enhanced amount of compensation for the delayed period.

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

6. In view of the above, the application is allowed. Delay of 196 days caused in filing application for restoration of the appeal stands 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 196 days, in case the appeal is allowed.

8. The restoration application be registered.

9. The application stands disposed of, accordingly.

Misc. Civil Application (St.) No. 11552 of 2023

1. Heard learned advocates for the parties.

2. This is an application for restoration of the first appeal, which was dismissed for non-removal of the office objections.

3. The reasons have been stated in the application. In view of the reasons stated in the application, the application is allowed. The first appeal stamp be restored to file.

4. After restoration, all the office objections be removed within one week from today. If the office objections are not removed within the said period, then the appeal shall stand dismissed without reference to the Court.

JUDGE

Diwale