



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

CIVIL APPLICATION (CAO) NO. 501 OF 2024

IN

CROSS-OBJECTION ST. NO. 24123 OF 2023

IN

FIRST APPEAL NO. 1441 OF 2017

PRABHAKAR PANDURANG KHADSE

VERSUS

STATE OF MAH., THRU. 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. Mohit Dube, Advocate h/f Mr. A. B. Nakshane, Advocate for the
cross-objector/ ori.Resp. no.1

Ms. K. H. Bhondge, A.G.P. for respondent nos.2 and 3.

Mr. Waghmare, Advocate h/f Mr. P.B. Patil, Advocate for R.No.3

CORAM : G. A. SANAP, J.

DATE : MAY 06, 2024.

1. Heard learned advocates for the parties.
2. This is an application for condonation of 1443 days delay caused in filing cross-objection against the impugned judgment and award, dated 08.09.2016 passed by the Reference Court. The reasons have been stated in the application.
3. In view of the decision of the Hon'ble Apex Court in *New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (Dead), through Legal Heir and another (2022 SCC Online SC 1599)*, delay can be condoned, subject to condition that the original land owners/claimant/cross-objector 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.

4. Learned advocate for the applicant/cross-objector submits that the Court may pass an appropriate order.

5. In view of the above, the application is allowed. Delay of 1443 days caused in filing cross-appeal/objection stands condoned.

6. It is made clear that the original land owners/claimants/cross-objector 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 1443 days, in case the cross-objection is allowed.

7. The cross-objection be registered.

8. The application stands disposed of, accordingly.

CROSS-OBJECTION ST. No. 24123 of 2023

1. Heard learned advocates for the parties.

2. **ADMIT.**

3. Learned Assistant Government Pleader waives service of notice on behalf of respondent nos.1 and 2.

4. Mr. Waghmare, learned advocate holding for Mr. P. B. Patil, learned advocate waives service of notice on behalf of respondent no.3/ori.appellant.

(G. A. SANAP, J.)