



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

CIVIL APPLICATION (CAF) NO. 1206 OF 2024
IN
FIRST APPEAL ST. NO. 4860 OF 2024

PRABHAKAR RAMBHAU KOKATE

Vrs.

EXECUTIVE ENGINEER, MINOR IRRIGATION PROJECT, WASHIM AND ANOTHER

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

Court's or Judge's Order

Shri A. B. Darekar, Advocate for applicant/appellant.
Shri M.A.Kadu, Advocate for respondent No.1.
Shri P. P. Pendke, AGP for respondent No.2.

CORAM: SANJAY A. DESHMUKH, J.
DATE : 22/07/2024.

1. This is an application for condonation of delay of 1773 days caused for preferring the appeal.
2. Perused the application.
3. Heard learned Advocates for both sides.
4. Learned Advocates for the respondents have strongly objected the application.
5. Considering the peculiar set of facts and the reasons stated in the application, the application deserves to be allowed, in the interest of justice. However, it is clarified that in view of Judgment of Hon'ble Supreme Court in the case of **New Okhla Industrial Development Authority v. Rameshwar @ Ramesh Chandra Sharma (Dead), through Legal Heir and another (2022 SCC Online SC 1599)**, the applicant is not entitled for statutory benefits, etc. for the delayed period.

6. The application is disposed of.
FIRST APPEAL ST. NO. 4860 OF 2024
7. Issue notice to the respondents.
8. Call for Record and Proceedings.
9. Shri M.A. Kadu, learned advocate waives service of notice for respondent No.1.
10. Shri P. P. Pendke, learned AGP waives service of notice for respondent No.2.
11. Stand over after four weeks.

[SANJAY A. DESHMUKH, J.]

Choulwar