



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

CIVIL APPLICATION (CAF) No.1684 OF 2024
IN
FIRST APPEAL No.1124 OF 2008

(Sau. Saraswati w/o. Haribhau Chatare (dead) through LR's. and others Vs. State of Maharashtra, through Special Land Acquisition Officer, Wardha and others)

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

Court's or Judge's orders.

Mr. A.S. Dhore, Advocate for appellants.
Mr. M.A. Kadu, AGP for respondent No.1.
Mr. M.M. Agnihotri, Advocate for respondent No.2.
Mr. P.A. Abhyankar, Advocate for respondent No.3.

CORAM : SANJAY A. DESHMUKH, J.
DATE : 8th JULY, 2024.

1. This is an application for condonation of delay, setting aside abatement and bringing legal representatives of deceased respondent No.3 on record.
2. Perused the application.
3. Heard both sides.
4. Learned Advocates for the respondents have strongly objected the application.
5. For the reasons stated in the application, the application deserves to be allowed in the interest of justice.
6. The application is allowed.
7. The delay of 1055 days is condoned, abatement is set aside and legal representatives of respondent No.3 be brought on record.

8. However, it is clarified that if the appeal is allowed, the appellants are not entitled for the interest for the period of 1055 days in view of the 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**, the original land owners/claimants/appellants herein shall not be entitled to get any statutory benefits, including the interest payment under the Land Acquisition Act on the enhanced amount of compensation for the delayed period.
9. The application is disposed of.
10. The appellants are directed to amend the appeal memo within a week.

(SANJAY A. DESHMUKH, J.)