



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

CIVIL APPLICATION (CAF) No.1884 OF 2024
IN
FIRST APPEAL ST. No.13419 OF 2024

(Bhura Khiru Rathod Vs. The State of Maharashtra, through Collector, Yavatmal 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.B. Nakshane, Advocate for appellant.

CORAM : SANJAY A. DESHMUKH, J.
DATE : 23rd JULY, 2024.

1. This is an application for condonation of delay of 2095 days in filing appeal.
2. Issue notice to the respondents.
3. Mr. P.P. Pendke, learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2.
4. Mr. M.A. Kadu, learned Advocate waives service of notice on behalf of respondent No.3.
5. Perused the application.
6. Heard learned Advocate for both sides.
7. Learned A.G.P. for the respondent Nos.1 and 2 and learned Advocate for respondent No.3 have strongly objected the application.
8. For the reasons stated in the application, the application deserves to be allowed in the interest of justice.
9. The application is allowed with clarification

that in view of judgment of the Hon'ble Supreme 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, in case the appeal is allowed, the appellant shall not be entitled to the statutory benefits like interest etc. for the period of delay.

10. The delay of 2095 days caused in filing appeal is condoned.

11. The application is disposed of.

FIRST APPEAL ST. No.13419 OF 2024.

1. Issue notice to the respondents.
2. Mr. P.P. Pendke, learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2.
3. Mr. M.A. Kadu, learned Advocate waives service of notice on behalf of respondent No.3.
4. Stand over to 1.8.2024.

(SANJAY A. DESHMUKH, J.)