



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

CIVIL APPLICATION (CAF) NO.1898 OF 2024
IN
FIRST APPEAL ST. No.13454 OF 2024

(Damdu Baban 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.
Mr. P.P. Pendke, AGP for respondent Nos.1 and 2.

CORAM : SANJAY A. DESHMUKH, J.
DATE : 1st AUGUST, 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. This is an application for condonation of delay of 3767 days in filing appeal.
5. Learned Advocate for the appellant submits that appellant is illiterate villager and he is not familiar with the procedural law. He got insufficient information from the project affected persons of the same village. Therefore, he cannot file the application.
6. Learned A.G.P. for the respondent Nos.1 and 2 strongly objected the application. He submits that there is no sufficient reason for allowing this application.

7. Perused the application.
8. Heard learned Advocates for both sides.
9. Considering the reasons stated in the application and in view of the judgment of **Imrat Lal and others Vs. Land Acquisition Collector and others**, reported in **2014(14) SCC 133** by adopting liberal approach though there is delay of 3767 days, the application deserves to be condoned in the interest of justice.
10. The application is, therefore, allowed.
11. The delay of 3767 days in filing appeal is condoned.
12. However, it is clarified that the appellant is not entitled for statutory benefits like interest on the enhanced amount if it is enhanced.
13. In view of judgment 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.
13. The application is disposed of.

FIRST APPEAL ST. No.13454 OF 2024.

1. Heard.
2. **Admit.**
3. Issue notice to the respondents.

4. Mr. P.P. Pendke, learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2.
5. Mr. M.A. Kadu, learned Advocate waives service of notice on behalf of respondent No.3.
6. Stand over after four weeks.

(SANJAY A. DESHMUKH, J.)

Wadode