



6IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) No.1921 OF 2024
IN
FIRST APPEAL ST. No.4855 OF 2024

(Late Datta Bhikaji Kokate (dead), through LRs. 1) Smt. Laxmibai Bhikaji Kokate and others
Vs. The Executive Engineer, Minor Irrigation Project, Washim and another)

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. Darekar, Advocate for appellants.

CORAM : SANJAY A. DESHMUKH, J.
DATE : 9th AUGUST, 2024.

1. This is an application for condonation of delay of 1698 days in filing the appeal.
2. Issue notice to the respondents.
3. Mr. M.A. Kadu, learned Advocate waives service of notice on behalf of respondent No.1.
4. Mr. P.P. Pendke, learned A.G.P. waives service of notice on behalf of respondent No.2.
5. Perused the application.
6. Heard learned Advocates for both sides.
7. Learned Advocate for the respondent No.1 and learned AGP for the respondent No.2 strongly objected the application.
8. Considering the reasons stated in the application, the application deserves to be allowed in the interest of justice.
9. The application is allowed.

10. The delay of 1698 days caused in filing the appeal is condoned.

11. However, it is clarified that the applicants are not entitled for the interest and other statutory benefits for the period of 1698 days in view of the 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.

12. The application is disposed of.

FIRST APPEAL ST. No.4855 OF 2024.

1. Issue notice to the respondents.
2. Mr. M.A. Kadu, learned Advocate waives service of notice on behalf of respondent No.1.
3. Mr. P.P. Pendke, learned A.G.P. waives service of notice on behalf of respondent No.2.
4. **Admit.**
5. Call R. & P.
6. Stand over after four weeks.

(SANJAY A. DESHMUKH, J.)