



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

CIVIL APPLICATION (CAF) No.2471 OF 2024
IN
FIRST APPEAL ST. No.17406 OF 2024

(Shriram s/o. Kanhu Kamble (dead), 1) Suresh s/o. Shriram Kamble Vs. The State of Maharashtra, through the 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. S.V. Ingole, Advocate for appellant.
Ms. M.R. Kavimandan, AGP for respondent Nos.1 and 2.
Mr. Chetan Bhalavi h/f. Mr. M.A. Kadu, Advocate for respondent No.3.

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : **4th OCTOBER, 2024.**

1. This is an application for condonation of delay of 3036 days caused in filing the appeal.
2. Perused the application.
3. Heard learned Advocates of both sides.
4. Learned A.G.P. for the respondent Nos.1 and 2 strongly opposed the application.
5. Mr. Chetan Bhalavi h/f. Mr. M.A. Kadu for the respondent No.3 also strongly opposed the application.
6. On perusal of application it appears that the delay is not deliberately caused.
7. 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 applicants will not be

entitled to get any statutory benefits, including the interest payment if the application is allowed and compensation amount is enhanced for the period of 3036 days.

8. Considering the grounds raised in the application and the law laid down in the aforesaid authority the application deserves to be allowed in the interest of justice. However, the costs shall not be imposed in view of the fact that the applicant is poor farmers.

9. The application is allowed.

10. The delay of 3036 days caused in filing the appeal is condoned.

11. It is clarified that in view of the judgment *New Okhla Industrial Development Authority* (supra) the applicant shall not be entitled for the statutory benefits like interest etc. for the period of delay of 3036 days.

12. The application is disposed of.

FIRST APPEAL ST. No.17406 OF 2024.

1. Issue notice to the respondents.

2. Ms. M.R. Kavimandan, learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2.

3. Mr. Chetan Bhalavi h/f. Mr. M.A. Kadu, learned Advocate waives service of notice on behalf of respondent No.3.

4. Stand over to 10.10.2024.

(SANJAY A. DESHMUKH, J.)

Wadode