



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

CIVIL APPLICATION (CAF) No.2667 of 2024
IN
FIRST APPEAL ST. No.18936 OF 2024

(Smt. Shantabai wd/o. Bhiwaji Natkar (dead), through LRs. Krushna s/o. Bhiwaji Natkar and another Vs. The State of Maharashtra, represented by the Collector, Yavatmal, Tq. And Distt. 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. I.M. Ghongade, Advocate for appellants.
Ms. M.R. Kavimandan, AGP for respondent Nos.1 and 2.
Mr. Tariq Zaheer, Advocate for respondent No.3.

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : **30th SEPTEMBER, 2024.**

1. This is an application for condonation of delay of 3603 days caused for filing first appeal.
2. Issue notice to the respondents.
3. Ms. M.R. Kavimandan, learned AGP waives service of notice on behalf of respondent Nos.1 and 2.
4. Mr. Tariq Zaheer, learned Advocate waives service of notice on behalf of respondent No.3.
5. Perused the application.
6. Heard learned Advocates for the respondents.
7. Learned Advocate for the applicants pointed out that other villagers got enhanced compensation amount by the judgment of this Court which is relating to the property acquired from one and same village. Thereafter, they have filed the appeal. He pointed

judgment of **New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (dead)**, through legal heir and another, reported in (2022) SCC OnLine SC 1599 and **Nigappa Thotappa (dead) Vs. The Special Land Acquisition Officer and others**, reported in 2019 SCC OnLine SC 1611.

8. Learned Advocate Mr. Tariq Zaheer for the respondent No.3 strongly objected the application.

9. Considering the reasons stated in the application, the application deserves to be allowed in the interest of justice.

10. The application is allowed.

11. The delay of 3603 days caused for filing the appeal is condoned.

12. 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 3603 days.

13. The application is disposed of.

FIRST APPEAL ST. No.18936 OF 2024.

1. Issue notice to the respondents.

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

3. Mr. Tariq Zaheer, learned Advocate waives service of notice on behalf of respondent No.3.

4. Call R. & P.

5. Filing of the paper-book is dispensed with, subject to the condition that learned Advocate for the appellant to provide copies of necessary documents to the other side and this Court also.

6. Stand over to 14.10.2024.

(SANJAY A. DESHMUKH, J.)

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