



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

CIVIL APPLICATION (CAO) NO. 384 OF 2024

IN

CROSS-OBJECTION ST. NO. 4423 OF 2024

IN

FIRST APPEAL NO. 744 OF 2017

*RAMDAS S/o SITARAM RAUT*

VERSUS

*EXE.ENGINEER, MINOR IRRIGATION DEPT., WARDHA AND OTHERS*

Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

Mr. C. R. Najbile, Advocate for the cross-objector/Ori.R.no.1  
Mr. N. M. Gaidhane, Advocate for respondent no.1/ori. appellant  
Ms. Prachi T. Joshi, A.G.P. for respondent nos.2 and 3.

CORAM : G. A. SANAP, J.

DATE : APRIL 08, 2024.

1. Heard learned advocates for the parties.
2. This is an application for condonation of 2415 days delay caused in filing cross-objection against the impugned judgment and award, dated 30.10.2015 passed by the Reference Court. The reasons have been stated in the application.
3. Relying upon a decision 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)*, delay can be condoned, subject to condition that the original land owners/claimant/cross-objector herein shall not be entitled to get any statutory benefits, including the interest payable under the Land Acquisition Act, 1894 on the enhanced

amount of compensation for the delayed period.

4. Learned advocate for the applicant/cross-objector submits that the Court may pass an appropriate order.

5. In view of the above, the application is allowed. Delay of 2415 days caused in filing appeal stands condoned.

6. It is made clear that the original land owners/claimants/appellants herein shall not be entitled to get any statutory benefits, including the interest payable under the Land Acquisition Act on the enhanced amount of compensation for the delayed period of 2415 days, in case the cross-objection is allowed.

7. The cross-objection be registered.

8. The application stands disposed of, accordingly.

#### **CROSS-OBJECTION ST. No. 4423 of 2024**

1. Heard learned advocates for the parties.

2. **ADMIT.**

3. Mr. N. M. Gaidhane, learned advocate waives service of notice on behalf of respondent no.1/ori.appellant.

4. Ms. Prachi Joshi, learned Assistant Government Pleader waives service of notice on behalf of respondent nos.2 and 3.

**( G.A.SANAP, J. )**