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

CIVIL APPLICATION (CAO) No.666 OF 2024
IN
MISC. CIVIL APPLICATION ST. No.7095 OF 2024
IN
CROSS OBJECTION ST. No.10773 OF 2010
IN
FIRST APPEAL No.368 OF 2010 (D)

(Deoman s/o. Bapu Tapare Vs. VIDC, through the Executive Engineer, Medium Project Division, Nagpur and others)

Office Notes, Office Memoramda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Mr. C.R. Najbile, Advocate for appellant.
Mr. P.P. Pendke, AGP for respondent Nos.2 and 3.

CORAM : SANJAY A. DESHMUKH, J.
DATE : 19th JUNE, 2024.

1. This is an application filed under Section 5 of the Limitation Act for condonation of delay of 3085 days caused for filing restoration application of Cross-objection St. No.10773/2010.

2. This applicant/cross objector could not deposit the Court fees which is required for registration of the cross-objection. Therefore, cross-objection was rejected by the order dated 15.10.2013.

3. Learned Advocate for the applicant submits that the cross-objector is a financially poor and could not arrange the Court fees. The applicant is a farm labourer. He, therefore, prayed to allow the application in the

interest of justice.

4. Heard both the sides.

5. Learned A.G.P. for the respondent Nos.2 and 3 and learned Advocate for the respondent No.1 have strongly objected the said application.

6. Perused the application.

7. Considering the fact that this applicant/cross-objector could not manage the amount for the Court fees, therefore, the application deserves to be allowed. The application is allowed in the interest of justice.

8. The delay of 3085 days caused in filing restoration application is condoned.

9. The application is disposed of.

MISC. CIVIL APPLICATION ST. No.7095 OF 2024.

1. For the reasons stated in the application, the application for restoration of cross-objection is allowed in the interest of justice.

2. If the award is passed in favour of the applicant, this applicant in future will not be entitled for the interest of the 3085 days which was caused for restoration of the cross-objection as per law laid down 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,** 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.

3. The applicant is directed to deposit remaining Court fees within a week.

4. The application is disposed of.

(SANJAY A. DESHMUKH, J.)

Wadode

Signed by: Mr. Devendra Wadode
Designation: PA To Honourable Judge
Date: 20/06/2024 13:00:42