



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

CIVIL APPLICATION (CAO) No.699 OF 2024
IN
MISC. CIVIL APPLICATION ST. No.7642 OF 2024
IN
FIRST APPEAL No.388 OF 2018 (D)

(Shaikh Mahemood s/o. Shaikh Mastan and another Vs. The Union of India, through
General Manager, Central Railway CST, Mumbai)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. P.V. Kavishwar, Advocate for appellants.

CORAM : SANJAY A. DESHMUKH, J.
DATE : 26th JUNE, 2024.

1. This is an application for condonation of delay filed under Section 5 of the Limitation Act.
2. Perused the application.
3. Heard both sides.
4. For the reasons stated in the application, the application is allowed on payment of costs of Rs.1,000/- and costs be paid to the Vidarbha Lady Lawyers Association, Nagpur.
5. The delay of 423 days caused in filing restoration application is condoned.
6. It is made clear that in view of the 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**, 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.

7. The application is disposed of.

Misc. Civil Application No.613 of 2016.

1. This is an application for permission to file an appeal as an indigent person under Order XLIV Rule 1 of the Civil Procedure Code, 1908.

2. Learned Advocate for the applicants submits that already Court fee is deposited.

3. The application is, therefore, disposed of.

MISC. CIVIL APPLICATION ST. No.7642 OF 2024.

1. This is an application for restoration of the appeal.

2. Heard both sides.

3. For the reasons stated in the application, the application is allowed.

4. The appeal is restored on its original number.

5. The application is disposed of.

FIRST APPEAL No.388 OF 2018.

1. Learned Advocate for the appellant submits that paper-book be dispensed with with condition that appellant shall supply necessary documents to the respondent for hearing of the appeal.

2. Stand over to 5.7.2024.

(SANJAY A. DESHMUKH, J.)