



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

CIVIL APPLICATION (CAO) No.1119 OF 2024
IN
MISC. CIVIL APPLICATION ST. NO.16671 OF 2024
IN
FIRST APPEAL No.528 OF 2017 (D)

(Rajendra s/o. Narayan Paradhakhe 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. D.A. Sonawane, Advocate for appellant.

CORAM : SANJAY A. DESHMUKH, J.
DATE : 13th SEPTEMBER, 2024.

1. This is an application for condonation of delay of 1760 days caused in filing restoration application.
2. The appeal was dismissed, as the paper-book was not filed within the time prescribed by the Court.
3. Perused the application.
4. Heard learned Advocates of both sides.
5. Learned A.G.P. strongly objected the application.
6. For the reasons stated in the application, as well as in view of the law laid down by the Supreme Court 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 may be condoned, subject to the condition that 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, the application deserves to be allowed in the interest of justice, as the delay is not deliberately caused.

7. The application is allowed.

8. It is clarified that in case, if the appeal is allowed, in view of judgment of the Supreme Court in the case of **New Okhla Industrial Development Authority** (supra), the appellants will not be entitled for the statutory benefits like interest etc. for the delay of 1760 days.

9. The application is disposed of.

MISC. CIVIL APPLICATION ST. NO.16671 OF 2024.

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

2. Perused the application.

3. Heard learned Advocates of both sides.

4. For the reasons stated in the application, the application deserves to be allowed in the interest of justice.

5. The application is allowed.

6. The appeal is restored on its original number.

7. The application is disposed of.

FIRST APPEAL No.528 OF 2017.

1. Issue notice to the respondents.

2. Mr. M.A. Madu, learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2.

3. The appellant is directed to file paper-book within a period of four weeks.

(SANJAY A. DESHMUKH, J.)

Wadode