



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

CIVIL APPLICATION (CAO) NO. 197 OF 2025
IN
MISC. CIVIL APPLICATION (ST) NO.16363 OF 2024
IN
FIRST APPEAL (ST) NO. 441 OF 2021

Smt. Sumitrabai Vittalrao Deshmukh (dead) Thru. LRs
Vs.
State of Maharashtra, Thru. Collector, Yavatmal and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.S. Nemade, Advocate for applicants.
Mr. P.P. Pendke, AGP for respondent/State.

CORAM : ROHIT W. JOSHI, J.

DATE : 21.02.2025.

Registration of First Appeal (ST) No.441/2021 is refused by the learned Registrar (Judicial) vide order dated 04.07.2023. The appellants/applicants have filed Misc. Civil Application (Revision) (ST) No. 16363/2024 challenging the said order and seeking registration of First Appeal. There is a delay of 391 days in filing the said Misc. Civil Application. It is stated that the applicant's grandson is suffering from various ailments, for which, he has been under treatment for more than one year. They state that in such circumstances, they have lost the sight of the present

appeal and therefore, objections remained to be removed from the appeal. The matter is pertaining to compensation under Land Acquisition Act.

2. In view of the aforesaid, I am of the considered opinion that the delay can be condoned subject to the condition that the appellants will not be entitled for interest on the amount of enhanced compensation, if any, from the date of judgment of the learned reference Court till the date of removal of all office objections and restoration of appeal. The delay is, accordingly, condoned with this condition.

Misc Civil Application (ST) No.16363/2024

For the reasons mentioned above, the Misc. Civil Application is allowed. However it is clarified that in the event, the amount of compensation is enhanced in the appeal, the appellants will not be entitled to claim any interest on the amount of enhanced compensation, if any, from the date of judgment of the learned reference Court till the date of removal of all office objections and registration of appeal.

(ROHIT W. JOSHI, J.)