



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

Civil Application [CAF] No.2770 of 2023

in

First Appeal St. No.18193 of 2023

The Deputy Chief Engineer, Central Railway Division, Ajani, Nagpur

vs.

Shri Jagdamba Devi and Shri Shankarji Devasthan, Yavatmal and others

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

Court's or Judge's Orders

Mr. Nitin Lambat, Advocate for the Applicant/Appellant.

Mr. M.M. Agnihotri, Advocate for Non-Applicant/Respondent Nos.1 to 15.

Mrs. H.S. Dhande, A.G.P. for Non-Applicant/Respondent Nos.16 & 17.

CORAM : M.W. CHANDWANI, J.

DATE : 4th MARCH, 2025.

Heard.

02. This is an application for condonation of delay filed by the acquiring body in filing the appeal under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

03. Needless to mention, in the case of **Municipal Corporation of Grater Mumbai vs. Anusaya Sitaram Devrukhkar and others**, this Court has taken a view that the Court has no power to condone the delay beyond a total period of 120 days as stipulated in Section 74(1) of the Act of 2013 and Section 5 of the Limitation Act has no application.

04. In view of the legal position, the application for condonation of delay is dismissed.

05. The claimants/respondents are permitted to withdraw the amount of compensation pending before this Court along with accrued

interest thereon. Consequently, the first appeal is also dismissed with no order as to costs.

06. Request to stay this order is refused.

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JUDGE