



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

**Civil Application (CAF) No. 3121 of 2023
in
First Appeal Stamp No. 18597 of 2023**

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

Versus

Shri Jagdamba Devi and Shri Shankarji Devashtan, Yavatmal through
Kulbhushan Glkulprasad Tiwari and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Nitin Lambat, Advocate for the appellant.

Shri M.M.Agnihotri, Advocate for the respondent Nos. 1 to 15.

Ms. Mayuri Deshmukh, AGP for the respondent/State.

**CORAM : NITIN B. SURYAWANSHI &
PRAVIN S. PATIL, JJ.**

DATED : 25th FEBRUARY, 2025.

This appeal is filed by acquiring body under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, challenging the judgment delivered by Land Acquisition Tribunal in Case No.1377/AMT/YTL/2019. Along with appeal, application for condonation of delay of 495 days is filed under Section 5 of the Limitation Act.

ii. This Court at Principal Seat in **Municipal Corporation of Grater Mumbai vs Anusaya Sitaram Devrukhkar and others (Interim**

Application No.13254/2024 in First Appeal (ST) No.24058/2024 in Reference No.827/KOK/MUM(SOB)/2021 with connected matters, decided on 07-01-2025) has taken a view that High Court has no power to condone the delay beyond a total period of 120 days as stipulated in Section 74(1) (read with its proviso) of the Act, 2013.

iii. Relying on the above judgment, this Court by order dated 20-01-2025 passed in Civil Application (CAF) No.1927/2024 in First Appeal (ST) No.8383/2024 and First Appeal (ST) No.8383/2024 and by order dated 17-02-2025 in Civil Application (CAF) No. 3123/2023 in First Appeal (ST) No. 18601/2023 has dismissed the application for condonation of delay, filed by the acquiring body under Section 5 of the Limitation Act.

iv. For the reasons stated in the judgment in **Municipal Corporation of Grater Mumbai** (Supra), application for condonation of delay is dismissed.

v. Claimants are permitted to withdraw the amount of compensation pending before this Court, along with accrued interest thereon.

vi. Learned Counsel for applicant seeks stay to this order. For the reasons stated in the order, the request for stay is rejected

[PRAVIN S. PATIL, J.]

[NITIN B. SURYAWANSHI, J.]