



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

CIVIL APPLICATION (CAO) NO.1496 OF 2023 IN
CROSS OBJECTION (ST.) NO.22885 OF 2023 IN
FIRST APPEAL NO.325 OF 2022

Deputy Chief Engineer, (Construction) Central Railway, Ajani, Nagpur and others
.Vs. Smt. Surekha Prabhakar

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

Court's or Judge's Order

Shri M.M. Agnihotri, Adv. with P.L. Sagdeo and Ms Gunjan Kothari,
Advocates for Claimant/appellant.
Ms M.H. Deshmukh, A.P.P. for Respondents/State.
Shri S.A. Chaudhari, & Pankaj Navlani, Advocates for respondent
No.2/Cross Objector.

CORAM : NITIN B. SURYAWANSHI AND
PRAVIN S. PATIL, JJ.

DATED : 29/01/2025

1. Heard.
2. By filing first appeal, claimant has claimed enhanced compensation. The appeal came to be admitted by order dated 30.03.2022.
3. Applicant/Acquiring body then filed cross objection under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 read with Section 96 of the Code of Civil Procedure, 1908, along with application filed under Section 5 of the Limitation Act, 1963, for condonation of delay of 537 days.

4. In *Municipal Corporation of Greater 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 matter, decided on 07.01.2025)* this Court has taken a view that it has no power to condone the delay beyond the total period of 120 days as stipulated in Section 74(1) (read with its proviso) of the Act, 2013.

5. 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 has dismissed the application for condonation of delay, filed under Section 5 of the Limitation Act, by acquiring body.

6. For the reasons stated in the judgment in *Municipal Corporation of Greater Mumbai ..vs.. Anusaya Sitaram Devrukhkar and others*, the application for condonation of delay is dismissed.

(PRAVIN S. PATIL, J.)

(NITIN B. SURYAWANSHI, J.)