

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

CIVIL APPLICATION (CAF) NOS. 530 & 531 OF 2015
IN/AND
FIRST APPEAL STAMP NO. 763 OF 2015

(Mah. Industrial Development Corporation Vs. Ganpati Balaji Parate through lrs. Bhaskar Parate & others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M. M. Agnihotri, Advocate for the applicant.
Shri A. M. Gedam, Advocate for respondents No. 1 and 2.
A.G.P. for respondents No. 3 and 4.

CORAM : B. P. DHARMADHIKARI
AND S. B. SHUKRE, JJ.
DATED : 29 APRIL, 2015

C.A.F. NO. 530/2015 :

Prayer is to condone delay of 289 days in filing first appeal under Section 54 of the Land Acquisition Act, 1894. Appeal is filed by acquiring body. Submission is, the A.G.P., who appeared for it in Reference Court, did not communicate the judgment forthwith and after getting knowledge, certified copy was applied for on 08/11/2014 and it was received on 05/01/2015.

Perusal of affidavit filed in support of prayer for condonation of delay shows that thereafter the matter was processed further for filing of appeal and the delay has been caused in completing those formalities.

This Court has issued notice in the matter on 10/3/2015 and called upon the acquiring body to deposit 50% of the amount as awarded by the Reference Court. That amount has been deposited with the Registry of this Court.

Counsel for the respondents is strongly opposing prayer for condonation of delay. He points out that reply has been drafted but it could not be duly sworn in. He requested to consider un-sworn reply. We accordingly accepted the un-sworn reply duly signed by Counsel and respondent No.1 on record. Perusal of said reply shows formal denial. Even the fact that certified copy was applied for on particular date or it was received on particular date have been denied. Apparently, records have not been verified.

As we do not see any mala-fides and there are just and sufficient reasons, we condone the delay. Office to register the first appeal.

F.A. ST. NO.763/2015 :

With consent of the parties, appeal is taken up for admission. This Court has today condoned the delay in filing it.

Admit.

Advocate Shri Gedam waives service for respondents No. 1 and 2. Learned A.G.P. waives service for respondents No. 3 and 4.

C.A.F. NO. 531/2015 :

Respondents to file their replies, if any, within a period of six weeks from today.

Request of Advocate Shri Gedam to permit withdrawal of amount is kept open to be looked into after filing of reply.

Interim orders already granted, to continue till then.