

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

CIVIL APPLICATION (CAF) NO.2103 OF 2014
IN
FIRST APPEAL (ST) NO.2125 OF 2014

V.I.D.C. The Exe. Engineer, Lower Wardha Project Divn. Wardha

-vs-

Harishchandra Ramkrishna Kolhekar & Ors.

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

Court's or Judge's Orders.

Shri S. K. Bhoyar, Advocate for applicant/appellant.
Shri A. Parchure, Advocate for respondent Nos.1 and 2.
Shri M. A. Kadu, AGP for respondent Nos.3 and 4.

CORAM : A.S.CHANDURKAR, J.

DATE : October 30, 2015

Prayer is to condone delay in filing the appeal. Reasons for delay are mentioned in paragraphs 4 and 5 of the application. The application is opposed by learned counsel for respondent Nos.1 and 2 on the ground that the applicants have not been diligent in prosecuting the proceedings. Reliance is placed on judgment of the Supreme Court in **(2014) 2 SCC 422 State of Uttar Pradesh Thr. Exe. Engineer and anr. vs. Amar Nath Yadav**, as well as provisions of the Maharashtra Government Servants Regulation Of Transfers And Prevention Of Delay in Discharge Of Official Duties Act, 2005.

Considering the reasons mentioned in the application, the delay as caused does not appear to be deliberate. The same is condoned subject to costs of Rs.2000/- to be paid to the non-applicant Nos.1 and 2 within period of four weeks from today.

Application is allowed and disposed of.

F.A. (St) No.2125 of 2014

Heard.

Admit.

Call for record and proceedings.

Shri A. Parchure, learned counsel waives notice on behalf of respondent Nos.1 and 2. Shri M. A. Kadu, learned Assistant Government Pleader waives notice on behalf of respondent Nos.3 and 4.

Civil Application (CAF) No.2105 of 2014

On the applicant depositing the entire amount of compensation in this Court within period of eight weeks from today, the execution of the impugned judgment shall remain stayed during pendency of the appeal.

Civil application is disposed of.

JUDGE