

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

C.A.F.NO. 1234/2015 IN F.A.ST.NO.3611/2015.

State of Maharashtra and another.

-VERSUS-

Sau. Latabai Narendra Bhagat.

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

Court's or Judge's Orders

**CORAM : B.P.DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : OCTOBER 05, 2015.

Heard Ms. Hiwase, learned A.G.P. for the
applicants and Shri A. Parchure, learned Counsel for
respondent.

2. Prayer is to condone delay of about 229
days in filing appeal against the judgment dated
07.04.2014. This Court granted time to the applicants
to place additional affidavit on record in support of
prayer for condonation of delay, and that affidavit has
been tendered on 04.09.2015.

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3. In additional affidavit, attempt is to explain period of 112 days. We have perused both the affidavits. We find that even certified copy of the judgment dated 07.04.2014 was not sought within three months. The application was moved for that purpose on 28.08.2014, and it was received on 17.09.2014.

4. The above developments are required to be mentioned specifically because in additional affidavit in paragraph no.4, it has been stated that the applicant was busy in election program during the period 30.06.2014 to 28.10.2014. Thus, these steps have been taken during said period.

5. In order to find out whether appeal contains any merit, we have perused the impugned judgment. We find that enhancement has been partially granted because of sale deed Exh.41, wherein the rate per square foot of a land has been mentioned.

6. As we do not see any malafides, we condone the delay, but, the same is subject to payment of costs of Rs. 3000/- by the applicants to the respondent within a period of eight weeks. If the costs

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are so paid, Registry to register the appeal. Civil Application is accordingly allowed and disposed of.

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C.A.F.NO. 1235/2015.

Heard learned counsel for the parties.

2. This Court has today ordered delay to be condoned. Shri Parchure, learned counsel for the respondent is seeking time to file reply to this civil application. Time granted. Office to list the Civil Application for further consideration after eight weeks.

3. In the meantime, the applicants to deposit 50% of the amount as awarded by the Reference Court. This direction is without prejudice to the contentions and right of respondent to oppose this arrangement or to seek withdrawal of the amount which will be deposited. On such deposit, stay of coercive recovery.

JUDGE

JUDGE