

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

CIVIL APPLICATION (CAO) NO.562 OF 2015

IN

CIVIL APPLICATION NO.1019 OF 2014

IN

FIRST APPEAL (ST) NO.21822 OF 2013

V.I.D.C. Thr. Executive Engineer, Lower Wardha Project Dvn. Wardha.

-vs-

Shakuntalabai Devidasji Kale & Ors.

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

Court's or Judge's Orders.

Shri Anoop Parihar, Advocate for appellant.
Shri Vivek Avchat, Advocate for respondent No.1.
Smt. M. N. Hiwase, AGP for respondent Nos.2 & 3.
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CORAM : A.S.CHANDURKAR, J.

DATE : MARCH 24, 2015

For the reasons stated in the application, the order dated 14/10/2014 is recalled. The appeal is restored as against respondent No.1. C.A. is allowed and disposed of.

C.A.O. No.561 of 2015

As the respondent No.1 has appeared through her learned counsel, this application does not survive. C.A. stands disposed of.

C.A.F. No.1019 of 2014

Prayer is to condone delay of 294 days in filing the First Appeal. In the application it is stated that the court fee was not received immediately from the head office and hence the appeal could not be filed within limitation. It is further stated that the said amount was received on 14/11/2013 and it was then forwarded to the Standing counsel on 15/11/2013. The actual court fee was then received in the form of stamps

on 27/11/2013 after which the appeal came to be filed.

The application is opposed by the learned counsel for respondent No.1 on the ground that the reasons as assigned cannot be accepted as the appellant itself was the acquiring body and it cannot be said that there were shortage of funds. It is further stated that proper explanation has not been furnished even after receiving the amount of court fee.

Considering the statement made in paragraph 4 the reasons as assigned are accepted. The appeal arises from award passed under the Land Acquisition Act and hence adjudication on merits is necessary. Hence for the reasons aforesaid, the delay in filing the First Appeal stands condoned. C.A. is allowed and disposed of.

F.A.(ST) No.21822 of 2013

Heard.

Admit.

Call for R & P. Shri Vivek Avchat, learned counsel waives notice on behalf of respondent No.1. Learned AGP waives notice for respondent Nos.2 and 3.

C.A.F. No.1020 of 2014.

If the appellant deposits in this Court the entire amount as awarded by the Reference Court within period of ten weeks from today, then during pendency of the First Appeal, the execution of the impugned award shall remain stayed.

C.A. is disposed of accordingly.

JUDGE