

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**APPELLATE SIDE**  
**NAGPUR BENCH, NAGPUR**

**CIVIL APPLICATION (CAF) NO. 2374 OF 2014**  
**IN**  
**FIRST APPEAL ST. NO. 10725 OF 2014**

VIDC Medium Project Divn. No. 1 Chandrapur Vs. Gulab Kashinath Bobade thr Lrs.

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

Court's or Judge's Order

Shri J. B. Kasat Adv for applicant.  
Shri P. P. Pendke, Adv for non applicant no. 1.  
Shri H. D. Dubey AGP for respondent/non  
applicant/State.

**CORAM: A. S. CHANDURKAR J.**

**DATED: 17 APRIL, 2015.**

By this application applicants seek leave to file appeal on the ground that it was not a party in the reference proceedings though it was the acquiring body. It is stated that the project in question was transferred to the applicant in the year 2007.

2] This factual aspect of the matter is not disputed by learned counsel for the respondent no.1. It is however submitted that it was the duty of respondent nos. 2 and 3 who has brought this fact on record. Be that as it may, as the applicant is acquiring body the leave to file appeal is granted. Application stands allowed and disposed of.

3] **Civil Application No. 271 of 2015:** Prayer is to condone the delay in filing first appeal. The cause for said delay is that the applicant

was not arrayed as party in the reference proceedings. After getting knowledge of the impugned award the present appeal came to be filed. Application is opposed by learned counsel for respondent no.1. It is submitted that the applicant was not diligent and the State authorities did not place on record aforesaid relevant fact before the reference Court.

4] Considering the reasons assigned in the application the same is allowed. Delay in filing first appeal stands condoned.

**JUDGE**

svk