

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

CIVIL APPLICATION (F) NO.477 OF 2015

IN

FIRST APPEAL STAMP NO.317 OF 2015

(MSEB, through its Executive Engineer (Civil) ..vs.. Pandurang s/o Shrawan Mathure and another)

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

Court's or Judge's orders

Shri N.G. Moharir, Advocate h/f. Shri G.E. Moharir, Advocate for the
 appellant,
 Shri P.S. Khubalkar, Advocate for the respondent No.1(i) to 1(iii).

CORAM : Z.A. HAQ, J.

DATED : 14-09-2016

For the reasons stated in the application, which are not controverted, the Maharashtra State Power Generation Company Ltd. is permitted to get substituted in place of Maharashtra State Electricity Board, as the appellant.

The civil application is allowed accordingly.

Civil Application No.854 of 2015.

The applicant/appellant prays that delay of 1390 days in filing the appeal be condoned. According to the applicant/appellant, the proceedings were transferred from the Court of 7th Joint Civil Judge (Senior Division), Nagpur to the Court of Civil Judge (Senior Division), Nagpur and the applicant/appellant was not having any notice about it and therefore, the matter could not be attended. In paragraph No.7 of the application, it is

stated that the applicant/appellant received letter from the Land Acquisition Officer requiring it to deposit the amount of additional compensation as per the award passed by the reference Court and it got knowledge about the award passed by the reference Court on receiving the above letter. The applicant/appellant has not given the date on which the letter sent by the Land Acquisition Officer was received by it. The relevant date is not given in the application and the delay being inordinate, I expressed that the application praying for condonation of delay is required to be dismissed. The learned Advocate for the applicant/ appellant prayed for time to place on record additional affidavit alongwith documents to point out the relevant details.

The applicant/appellant is granted four weeks' time on condition that the applicant/appellant shall pay costs of Rs.5,000/- to the non-applicant Nos.1(i) to 1(iii) and produce the receipt on record before next date.

List the matter for further consideration on 21-10-2016.

JUDGE

adgokar

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : P.M. Adgokar.

Uploaded on : 16-09-2016.

P.A. to Hon'ble Judge.