

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

Civil Application (CAF) No.2153 of 2014

In

First Appeal Stamp No.2550 of 2014

(Executive Engineer, Bembra Project Division, Yavatmal v. Smt. Venubai
wd/o Nilkanthrao Didpaye and others)

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

Shri V.G. Palshikar, Advocate for Applicant/Appellant.
Ms Ratna Singh, Advocate, holding for Shri Amol Mardikar,
Advocate for Respondent Nos.2 to 7.
Shri M.A. Kadu, AGP for Respondent Nos.8 and 9.

Coram : R.K. Deshpande, J.

Date : 14th March, 2016

There is a delay of 473 days caused in filing an appeal under Section 54 of the Land Acquisition Act.

Shri V.G. Palshikar, the learned counsel appearing for the applicant/appellant, has invited my attention to the order dated 2-2-2016 passed on Civil Application (CAF) No.1314 of 2014 filed in First Appeal Stamp No.2432 of 2014. He submits that there was a delay of 472 days caused in filing the said appeal and this Court has condoned the delay. He further submits that the present matter arises out of the same notification, same project and the same award passed by the Land Acquisition Officer in First Appeal Stamp No.2432 of 2014.

Ms Ratna Singh, the learned counsel appearing for the

respondent Nos.2 to 7/claimants, has invited my attention to the order dated 6-1-2016 passed by this Court on Civil Application (CAF) No.1280 of 2014 filed in First Appeal Stamp No.4473 of 2014, in which there was a delay of 485 days and this Court has condoned it by imposing the costs of Rs.5,000/-. She, therefore, submits that if the delay is required to be condoned, it should be with costs of Rs.5,000/-. She further submits that the said matter also arises out of the same notification/project/award, which fact is not disputed by the learned counsel for the appellant.

In view of this, after going through the averments made in this civil application, which do not reflect lack of bona fides on the part of the appellant, the application is allowed. The delay of 473 days caused in filing an appeal, is condoned, subject to payment of costs of Rs.5,000/- to the respondent Nos.2 to 7/claimants within a period of eight weeks from today.

The civil application is disposed of.

Judge.

Lanjewar