

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

Civil Application [CAF] No.1280 of 2014
in
First Appeal St. No.4473 of 2014

(Executive Engineer [V.I.D.C.], Bembla Project Division, Yavatmal
vs.
Smt. Venubai wd/o Nilkanthrao Didpaye and others)

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

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Court's or Judge's Orders

*Shri V.G. Palshikar, Advocate for the Appellant.
Shri Amol Mardikar, Advocate for Respondent Nos.2 to 7.
Mrs. M.N. Hiwase, A.G.P. for Respondent Nos.8 and 9.*

CORAM : R.K. DESHPANDE, J.

DATE : JANUARY 6, 2016.

This application seeks condonation of 485 days delay caused in filing the appeal challenging the enhancement of compensation granted by the Reference Court. For acquisition of land, compensation is enhanced from Rs.80/- per square metre to Rs.900/- per square meter, whereas for constructed area, it is enhanced from Rs.940/- per square meter to Rs.1,175/- per square meter.

The explanation to seek condonation of delay is given in paragraph 2 of the application, which is reproduced below :

“2. That the judgment was pronounced on 03/07/2012. The Standing Counsel at Yavatmal

applied for certified copy on 05/07/2012 and it was received on 23/07/2012. The Standing Counsel at Yavatmal gave certified copy along with his opinion to the Office of appellant on 01/08/2012. Thereafter, the Executive Engineer opined to file appeal. Thereafter, the appellant referred the matter to the Legal Advisor of V.I.D.C. The Legal Advisor opined to file appeal on 30/01/2013. The Executive Director opined to file appeal on 18/05/2013. Thereafter, all the case papers were submitted to Standing Counsel in July 2013. The Standing Counsel asked for court fee amount in total 59 cases from appellant on 08/07/2013. The court fee amount was supplied to Standing Counsel on 04/01/2014 by cheque in total 64 cases. Thereafter, the appeal is filed after procuring court fees.”

The claim is opposed by the respondents/claimants.

Keeping in view the enhancement of compensation, the delay can be condoned upon payment of costs to compensate the respondents-claimants.

For the reasons stated in the application, I am satisfied that sufficient cause is made out for condonation of delay. Hence, the delay caused is condoned.

The appellant to pay costs of Rs.5,000/- to the claimants/respondents.

The application is allowed and disposed of.

**sandesh*

JUDGE