

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

CIVIL APPLICATION NO.1937 OF 2017
IN FIRST APPEAL ST.NO.1710 OF 2017

(Executive Engineer, VIDC, Bembla Project Division vs. Chandusingh Zamlaji Jadhao (dead), through legal representatives Ram Chandusingh Jadhao and others)

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

Shri M.A. Kadu, Advocate for applicant.
Shri R.S. Kurekar, Advocate for respondent nos.1 to 12.
Shri M.J. Khan, Assistant Government Pleader for
respondent nos. 13 and 14.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 13, 2017

This application is filed for condonation of 388 days' delay caused in preferring appeal against judgment and decree dated 20/7/2015 passed by learned Joint Civil Judge, Senior Division, Yavatmal.

Though Shri Kurekar, learned Counsel for respondent nos. 1 to 12, and Shri Khan, learned Assistant Government Pleader for respondent nos.13 and 14, have opposed condonation of delay, however, for the grounds mentioned in para 2 of the application, since delay is found satisfactorily explained, same is condoned. Civil application is allowed.

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Admit.

Shri Kurekar, learned Counsel waives notice

for respondent nos.1 to 12, and Shri Khan, learned Assistant Government Pleader waives notice for respondent nos.13 and 14.

Call R & P.

CIVIL APPLICATION NO.1938 OF 2017

This application is filed by appellant seeking stay to execution of impugned award dated 20/7/2015 passed by Joint Civil Judge, Senior Division, Yavatmal in L.A.C. No. 82/2005 on the ground that appellant has a very good case on merits as the amount awarded by the Reference Court is exorbitant as against the amount granted by the Land Acquisition Officer. It is also contended that respondent nos.1 to 12 have filed execution proceedings.

In that view of the matter, civil application is allowed subject to appellant depositing entire decretal amount as per impugned award dated 20/7/2015 passed by Joint Civil Judge, Senior Division, Yavatmal in L.A.C. No. 82/2005 within one week from today.

CIVIL APPLICATION NO.1596/2017

In view of aforesaid order passed in Civil Application No.1938/2017, present application is disposed of as infructuous.

JUDGE

khj