

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

CIVIL APPLICATION NO.3936 OF 2017
IN FIRST APPEAL ST. NO. 3083 OF 2017

(Executive Engineer, Minor Irrigation Division vs. Govinda Ratnu Jadhav 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 A. Parihar, Advocate for applicant.

Shri A. Darekar, Advocate for respondent no.1.

Shri M. Kadu, Assistant Government Pleader for
respondent nos.2 and 3.

CORAM : P.N. DESHMUKH, J.

DATED : OCTOBER 3, 2017

Heard learned Counsel for the parties.

This application is moved by applicant for
condonation of delay of 266 days caused in preferring
appeal against judgment and award dated 9/3/2016
passed by learned Civil Judge, Senior Division, Darwha
in L.A.C. No. 2187/2004.

Shri Darekar, learned Counsel for respondent
no.1, has opposed the application contending that there
is no sufficient ground put forth for condonation of
delay.

Having considered the grounds mentioned in
paras 4 and 5 of the application, delay is liable to be
condoned as it is found that there is no intentional delay
caused in preferring first appeal. The application is,
therefore, allowed.

FIRST APPEAL ST. NO. 3083 OF 2017

Heard learned Counsel for the parties.

Admit.

Shri Darekar, learned Counsel waives notice for respondent no.1. Shri Kadu, learned Assistant Government Pleader waives notice for respondent nos.2 and 3.

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CIVIL APPLICATION NO. 3937 OF 2017

Heard learned Counsel for the parties.

This application is moved by appellant for stay to impugned judgment and award passed by Reference Court pending appeal.

For the grounds mentioned in para 2 of the application and since it is contended that appellant has good case on merits, there shall be stay to the effect and operation of the impugned judgment and award dated 9/3/2016 passed by learned Civil Judge, Senior Division, Darwha in L.A.C. No. 2187/2004 subject to appellant depositing entire decretal amount of compensation with the Registry of this Court within twelve weeks.

The application is disposed of accordingly.

JUDGE