

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

C.A.F. No. 2882/2016 IN FIRST APPEAL ST. NO. 25151/2015

TOPAJI BABA SHINDE (DEAD) THROUGH L.Rs. SHRI SHANKAR TOPAJI SHINDE AND
OTHERS -vs- THE STATE OF MAHARASHTRA THROUGH COLLECTOR, YAVATMAL AND
OTHERS.

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

Court's or Judge's Orders.

Shri Vijaykumar Paliwal, counsel for appellants.
Shri A.R. Chutke, AGP for respondent nos.1 and 3.

CORAM : DR S.S.PHANSALKAR-JOSHI, J.
DATE : JUNE 09, 2017

This is an application for condonation of delay. Notice of the application was issued to respondent no.1. As per the office note, respondent no.2 is duly served but not appeared.

Heard learned counsel for the applicant and learned AGP who is appearing for respondent nos.1 and 3.

The delay caused in this matter in preferring First Appeal is of 2999 days, and therefore, is substantial one. However, learned counsel for the applicant submitted that in another connected matter which was arising out of the same judgment and award passed by the Civil Judge (Sr.Dn.), Pusad, this court has condoned the delay of 3068 days in preferring the appeal in CAF no.2851 of 2015 in First Appeal St. no.25128 of 2015 by the order dated 05-04-2017.

In view thereof, in the interest of justice and for the reasons stated in para no.3 of the application, as sufficient cause is made out, the delay in preferring the appeal is condoned. The application is allowed with no order as to costs and finally disposed of.

CIVIL APPLICATION (CAF) No. 2883/2016.

By this application, appellants are seeking leave to file appeal for enhancement of compensation amount as claimed in the original petition.

In the interest of justice, application is allowed and leave as sought is granted.

Application is disposed of finally.

FIRST APPEAL ST. No. 25151/2015.

Heard learned counsel for appellants and learned AGP for respondent nos.1 and 3.

Issue notice to respondent no.2 informing him that the appeal is taken for final hearing as respondent no.2 has remained absent though duly served with notice in respect of the application for condonation of delay. Notice to respondent no.2 returnable after 6 weeks.

JUDGE