

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

**CIVIL APPLICATION (F) NO.3256 OF 2016**  
**IN**  
**FIRST APPEAL STAMP NO.12109 OF 2016**

(Executive Engineer, Yavatmal Project Construction Division, Yavatmal, Dist.  
Yavatmal Vs. Rajkumar Shamrao Kale and others)

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.*

*Court's or Judge's orders.*

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Mrs. N.A. Palshikar, Advocate for Appellant.  
Shri Anand Deshpande, Advocate for Respondent No.1.  
Shri M.A. Kadu, AGP for Respondent Nos.2 & 3.

**CORAM: SMT. DR. SHALINI PHANSALKAR-JOSHI, J.**  
**DATE: 8<sup>th</sup> JUNE, 2017.**

This is an application for condonation of delay of 728 days in preferring the appeal.

Heard learned counsel for the applicant, respondent No.1 and the learned A.G.P. for respondent Nos.2 and 3.

For the reasons stated in para 2 of the application as sufficient cause is made out, considering the duration of delay also, the delay is condoned. The application is allowed with no order as to costs and finally disposed of.

**First Appeal Stamp No.12109/2016:**

Heard.

**Admit.**

Call for R & P.

**Civil Application (F) No.3257/2016:**

This is an application seeking stay to the execution of the judgment and decree dated 20.03.2014 passed by the Civil Judge, Senior Division, Darwha in Land Acquisition Case No.111/2005.

Learned counsel for the appellant makes a statement at bar that the entire amount of compensation as awarded by the Reference Court will be deposited within a period of eight weeks from today.

In view of this submission the stay is granted to the execution of the impugned judgment and decree subject to the appellant depositing the entire amount of compensation as awarded by the Reference Court within a period of eight weeks from today.

In case of failure on the part of appellant to deposit the said amount within stipulated period the stay will automatically vacated without further reference to the Court.

The application is disposed of in above terms.

**JUDGE**