

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

CAF No.814/2016 in FA St.No.14836/2015
Executive Enginner, Nagpur Medium Project Division, Nagpur.
Vs.
Shri Suresh s/o Chandrabhan Kokarde 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 Abhijit Parihar, Advocate for applicant.
 Shri Adv.Tushal Bhatt, h/w for Advocate S.P.Kshirsagar,
 for non applicant no.1.
 Ms. Mrunal Naik, AGP for non applicant nos. 2 and 3.

CORAM : A.S.CHANDURKAR, J.

DATE : 27.02.2017

C A Nos. 814/2016 and 2232/2016

By these applications, the applicant seeks leave to file the present appeal and also prays that delay in filing appeal be condoned. In the application, it is stated that the applicant was not a party to the acquisition proceedings and only during the execution proceedings, this fact was noticed. Hence, some delay is caused in filing the appeal.

The application is opposed by Shri Bhat, Advocate, holding for Advocate S.P.Kshirsagar, for respondent no.1, on the ground that the reasons assigned in the application are not sufficient.

Perused the judgment of the

reference Court from which it is clear that the applicant, which is the acquiring body, was not a party in the reference proceedings. In view of the judgment of the Hon'ble Supreme Court in the case of Abdul Rasak and others Vs. Kerala Water Authority and others reported in AIR 2002 Supreme Court 817, the applicant is granted leave to file appeal and delay in filing the appeal stands condoned.

The civil applications are disposed of.

FA(St.) No. 14836/2015

Issue notice for final disposal of the First Appeal, returnable on 06.03.2017.

Advocate Tushar Bhatt, holding for Advocate S.P.Kshirsagar, waives notice on behalf of respondent no.1 and Ms Mrunal Naik, learned AGP waives notice on behalf of respondent nos. 2 and 3.

JUDGE

Andurkar