

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

CIVIL APPLICATION NO.3342 OF 2017 IN FIRST APPEAL ST. NO.16036 OF 2017  
(The Executive Engineer, Lower Wardha Project Division vs. Omprakash Chandulalji Chandak and others)

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

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Shri B.N. Jaipurkar, Advocate for applicant/appellant.  
Shri M.J. Khan, Assistant Government Pleader for  
respondent nos.2 and 3.

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CORAM : P.N. DESHMUKH, J.

DATED : OCTOBER 31, 2017

Heard Shri Jaipurkar, learned Counsel for applicant/appellant, and Shri Khan, learned Assistant Government Pleader for respondent nos.2 and 3. None for respondent no.1 though appears to be served.

This application is for condonation of 59 days' delay caused in filing appeal challenging judgment and award dated 21/2/2017 passed by learned 4<sup>th</sup> Joint Civil Judge, Senior Division, Wardha.

For the grounds mentioned in para 2 of the application, application is liable to be allowed as there appears no malafides on the part of applicant. Delay is thus condoned. The application is disposed of as allowed.

FIRST APPEAL ST. NO. 16036 OF 2017

Office to register First Appeal.

Issue notice to respondents, returnable on 28/11/2017.

Shri Khan, learned Assistant Government Pleader waives notice for respondent nos.2 and 3.

CIVIL APPLICATION NO.3343 OF 2017

Heard learned Counsel for the parties.

Shri Jaipurkar, learned Counsel for applicant, submits that as per directions of this Court, applicant/appellant has deposited entire amount of compensation to the extent of Rs.83,57,853/- with the Registry of this Court.

The record reveals that by order dated 8/8/2017 applicant was granted interim relief in the nature of stay to the impugned award on the condition that applicant shall deposit entire decretal amount in this Court within a period of 12 weeks.

In view of order as aforesaid and office note establishing deposit of aforesaid amount by applicant, stay stands confirmed pending appeal. The civil application is disposed of as allowed.

JUDGE

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