

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

CIVIL APPLICATION NO.1851 OF 2017 IN FIRST APPEAL ST. NO.19695 OF 2015
(V.I.D.C. vs. Ganesh Laxman Zade 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 V. Dahat, Advocate for applicant.
Shri J.B. Gandhi, 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

This application is filed by applicant for grant of leave to file appeal against judgment and award passed by learned 4th Joint Civil Judge, Senior Division, Amravati in L.A.C. No. 247/2005.

Shri Dahat, learned Counsel for applicant, submits that project in question for which land was acquired was looked after by applicant and as such, applicant was a necessary party to be arrayed in reference. However, applicant was not made party and Executive Engineer, Upper Wardha Project, Canal Division No.3, Dhamangaon Railway was made a party respondent.

Perusal of the impugned award reveals that aforesaid Executive Engineer was joined as a party respondent in the reference proceedings.

In view of above technicality, leave as prayed is granted, thereby allowing applicant to file appeal

against impugned judgment and award passed in the above mentioned proceedings.

The application is disposed of as allowed.

CIVIL APPLICATION NO. 3921 OF 2017

Heard learned Counsel for the parties.

This application is moved by applicant for condonation of delay of 131 days caused in preferring first appeal.

Shri Gandhi, learned Counsel for respondent no.1, has opposed the application contending that there is no substance in the application having no reasons put forth for condonation of delay.

For the grounds mentioned in paras 3 and 4 of the application and as it is found that there is no intentional delay on the part of applicant in preferring first appeal, delay is condoned. The application is allowed.

FIRST APPEAL ST. NO.19695/2015

Heard learned Counsel for the parties.

Admit.

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

Call R & P.

CIVIL APPLICATION NO. 1379 OF 2017

Heard learned Counsel for the parties.

This application is filed by respondent no.1 for permission to withdraw decretal amount deposited by appellant.

The amount deposited is stated to be Rs.5,77,453/- towards compensation.

For the grounds mentioned in the application, respondent no.1/original claimant is allowed to withdraw 50% of above-stated amount by giving undertaking and remaining 50% amount on furnishing surety to the satisfaction of Registrar (Judicial) of this Court.

The application is disposed of accordingly.

JUDGE

khj