

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

C.A.F. No. 2777/2016 IN FIRST APPEAL ST. NO. 25109/2015

NARMADABAI BHIMRAO DANDE -vs- EXE. ENGINEER, MEDIUM PROJECT KUMBHARPIND
PROJECT, 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 A.S. Deshpande, counsel for appellant.
Shri A.R. Chutke, AGP for respondent nos.2 and 3.

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

The learned counsel for respondent no.1
waives the service of notice.

The learned Assistant Government Pleader
waives service of notice on respondent nos.2 and 3.

Heard learned counsels for the appellant and
respondents.

The delay in this matter is of 1038 days and
therefore substantial one. The learned counsel for
respondent no.1, has therefore, opposed the application
for condonation of delay.

At this stage, learned counsel for the
appellant pointed out that in CAF no.2553 of 2016 in
First Appeal Stamp No. 13333 of 2016 which was arising
out of the same judgment and award as passed by the
reference court, the delay is already condoned by the
court vide its order dated 3rd August, 2016 and the
appeal is admitted.

In view thereof and for the reasons given in para nos.2 and 3 of the application, the delay though is of substantial duration, is condoned only in the interest of justice with no order as to costs.

Accordingly application is allowed and finally disposed of.

F.A. ST. No. 25109/2015.

Heard.

ADMIT.

Call for Record and Proceedings.

JUDGE