

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

CIVIL APPLICATION NO.1748/2018 IN FIRST APPEAL STAMP NO.5271/2018

V.I.D.C. through the Executive Engineer, Canal Division, Bembla Project,
Yavatmal and anr. ..vs.. Dilip Sadashivrao Khairkar and ors.

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

Court's or Judge's orders.

Mrs. P. A. Chobe, Advocate for applicants.
Mr. I. Damle, A.G.P. for non applicant nos. 2 and 3.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 26, 2018

This is an application filed by the applicant for leave to file appeal challenging judgment and award passed by learned 3rd Jt. Civil Judge Senior Division, Yavatmal in Land Acquisition Case No. 32/2012.

In view of the law laid down by the Hon'ble Apex Court in **Vidarbha Irrigation Development Corporation Vs. Santosh Janba Warghane and anr;** reported in **2017 (4) Mh. L. J. 64**, the application is allowed. Leave to file the appeal is granted.

The application is disposed of.

Civil Application No.2080/2018

This is an application for condonation of delay in preferring the appeal. On 27.06.2018, notices on this application were issued to the non applicants. Office note shows that non applicant no.1-claimant is served, however, nobody appears for and on behalf of non applicant no.1. Mr. Damle, learned A.G.P. for non

applicant nos. 2 and 3, has no objection for condonation of delay.

After hearing learned counsel for applicants and after perusal of the uncontroverted statements of facts on affidavit, I am of the view that the applicants have made out a case for condonation of delay. Hence, the application is allowed. Delay is hereby condoned. Registry is directed to register the appeal.

The application is disposed of.

First Appeal Stamp No.5271/2018

Heard learned counsel for the appellant.

ADMIT. Call for the record and proceedings.

Mr. Damle, learned A.G.P. waives notice for respondent nos. 2 and 3.

JUDGE