

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

CIVIL APPLICATION NO.2438/2018 IN FIRST APPEAL STAMP NO.7439/2018

V.I.D.C. through tis Executive Engineer, Yavatmal Project Construction Division,
Yavatmal ..vs.. Varsha Devendra Tathod and anr.

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

Court's or Judge's orders.

Mrs. U. A. Patil, Advocate for applicant.
Mr. P. Girdekar, Advocate for non applicant no.1.
Mr. A. Balpande, A.G.P. for non applicant no.2-State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 6, 2018

Heard Mrs. Patil, Advocate for applicant,
Mr.Girdekar, Advocate for non applicant no.1 and
Mr.Balpande, A.G.P. for non applicant no.2-State.

This application is for leave to file appeal
challenging the judgment and award dated 01.04.2017
passed by learned Civil Judge Senior Division, Link Court,
Mangrulpir in Land Acquisition Case No.529/2013.

The applicant before this Court was not a party
before the learned reference Court. Admittedly, the land in
question is acquired for the benefit of applicant-Vidarbha
Irrigation Development Corporation and the amount of
compensation is required to be paid by applicant-Vidarbha
Irrigation Development Corporation. The issue regarding
grant of leave to applicant-Vidarbha Irrigation Development
Corporation is no more res integra in view of decision of the
Hon'ble Apex Court in Vidarbha Irrigation Development

Corporation Vs. Santosh Janba Warghane and anr;
reported in **2017 (4) Mh.L. J. 65.**

In view of the aforesaid law laid down by the Hon'ble Apex Court, both the learned counsel for the non applicants have rightly submitted that there cannot be any objection on their part for allowing the present application.

In view of above, the application is allowed. Applicant-Vidarbha Irrigation Development Corporation is permitted to challenge the judgment and award passed by the learned reference Court i.e. Civil Judge Senior Division, Link Court, Mangrulpir.

The application is disposed of.

Civil Application Stamp No.7442/2018

This is an application for condonation of delay in preferring the appeal challenging judgment and award passed by Civil Judge Senior Division, Link Court, Mangrulpir in Land Acquisition Case No.529/2013. The delay is of 158 days.

Heard learned counsel for the applicant and the non applicants. For the reasons stated in the application, the application is allowed. The delay in preferring the appeal is hereby condoned, subject to payment of costs of Rs.500/- to the Vidarbha Lady Lawyer's Association, Nagpur within one week from today.

The application is disposed of.

Civil Application Stamp No.7441/2018

This is an application for stay.

Heard Mrs. Patil, Advocate for applicant.

Issue notice to the non applicants.

Mr.Girdekar, Advocate waives notice for non applicant no.1 and Mr.Balpande, A.G.P. waives notice for non applicant no.2-State.

There shall be ad interim stay to the execution of the judgment and decree passed by learned Civil Judge Senior Division, Senior Division, Link Court, Mangrulpir, subject to the applicant-appellant depositing the amount as awarded within twelve weeks from today before this Court.

The application is disposed of.

JUDGE

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