

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

CIVIL APPLICATION NO.3401/2016
IN FIRST APPEAL ST.NO.12083/2016

V.I.D.C. thr.its Executive Engineer Khadakpurna Project Division,
Deulgaon Raja, Dsit. Buldana ..vs.. Kashinath Devrao Jadhve & Ors.

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

Court's or Judge's orders.

Mr. V. Dahat, Advocate for applicant.
Mr. I. Damle, A.G.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 21, 2018

1. This is an application for leave to file appeal. On 23.11.2016, notices on this application were issued. Non applicant no.1 was duly served on this application and he was represented by two Advocates. The learned A.G.P. is for non applicant nos.2 and 3.

2. By the present application, the applicant wishes to prefer an appeal against the judgment and award passed by the learned Jt. Civil Judge Senior Division, Buldana in Land Acquisition Case No.20/2016. The application is not opposed by filing the reply. This application was called in the morning session. Counsel for the applicant was present, however, counsel for the non applicant no.1 were absent and, therefore, the matter was kept in the second half. In the second half also, when the matter was called out, counsel for the non applicant no.1 remained absent.

3. In that view of the matter and 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. Leave is granted to the applicant to lodge the appeal.

The application is disposed of.

Civil Application No.177/2017

This is an application for condonation of delay in filing the appeal. Heard learned counsel for the applicant.

Issue notice on this application to the non applicants, returnable on 03.10.2018.

Learned A.G.P. waives notice for the non applicant nos. 2 and 3.

JUDGE

kahale

**Yogesh
Arvind
Kahale**

Digitally
signed by
Yogesh
Arvind
Kahale
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2018.08.23
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