

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

CIVIL APPLICATION NO.247/2018 IN F.A.ST.NO.16515/2017

The Executive Engineer, Nimna Painganga Project Division, Yavatmal .vs.
Sailani Darga, Wadhona Bazar and ors.

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

Court's or Judge's orders.

Mr. M. A. Kadu, Advocate for applicant.
Mr. A. H. Dhamani, Advocate for non applicant no.1.
Mr. S. B. Bissa, A.G.P. for non applicant nos. 2 and 3.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 12, 2018

7 This is an application for condonation of delay. Appellant-VIDC has filed an appeal challenging judgment and decree dated 05.10.2016 in Land Acquisition Case No.134/2012. However, for filing the appeal, there is a delay. The delay is of 138 days. Notices on this application were issued. Pursuant to the notices, non applicant no.1-original claimants appeared and filed detailed reply opposing the application.

I have heard Mr. Kadu, learned counsel for the applicant, Mr. Dhamani, learned counsel for non applicant no.1 and Mr. Bissa, learned, A.G.P. for non applicant nos. 2 and 3. I have also considered the averments made on affidavit by the applicant for condonation of delay. For the limited purpose as to

whether there exists any case or not in favour of the applicant to challenge the decree, I have gone through the judgment, which is impugned. The land Acquisition Officer has granted compensation in favour of respondent no.1 at the rate of Rs.71,000/- per hectare. The said is enhanced to Rs.4,71,059/- per hectare. The judgment delivered by the learned Judge is most cryptic one and it can be seen that within three paragraphs, he has completed the entire judgment.

In that view of the matter, this is a fit case wherein the appellant may be granted an opportunity to point out the lacunae in the impugned judgment. Hence, the application is allowed. Delay of 137 days is condoned. Office is directed to register the appeal.

The application is disposed of.

First Appeal Stamp No. 16515/2017

Heard.

Admit. Call for the record and proceedings.

Mr. Dhamani, Advocate waives notice for respondent no.1 and Mr. Bissa, A.G.P. waives notice for respondent nos. 2 and 3.

Civil Application No.248/2018

This is an application for stay. On 23.01.2017, on this application, notices were issued and this Court granted ad interim stay subject to the appellant depositing entire decretal amount. Non applicant no.1

is served, however, no reply is filed to this application. Further, applicant, pursuant to order dated 23.01.2018 has deposited entire decretal amount before this Court.

In that view of the matter, the application is allowed. Ad interim order granted by this Court stands confirmed.

The application is disposed of.

JUDGE

kahale