

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO.604/2017

IN FIRST APPEAL STAMP NO. 18504/2016

Executive Engineer, Minor Irrigation Division, Washim.vs.Madan Raghoji Ahir & Ors.

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. I. Damle, A.G.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 26, 2018

Heard Mrs. Patil, learned counsel for the applicant and
Mr. Damle, learned A.G.P. for non applicant-State.

The appellant has filed the present appeal, challenging
judgment and decree passed in Land Acquisition Case
No.84/2011 by learned Jt. Civil Judge Senior Division, Washim
on 27.04.2015. Since, there is a delay in filing the appeal, the
present application for condonation of delay is also filed. On this
application, on 05.07.2017, notices were issued to non applicant
nos. 1 to 4-original claimants. The learned A.G.P. on the said
day, waived service for the State of Maharashtra.

Non applicant nos.1 to 4 on this application are duly
served through their Power of Attorney. In spite of service to
them, till today, nobody appears for them. Consequently, the
submissions made on affidavit by the Executive Engineer of the
appellant remained uncontroverted.

After hearing learned counsel for the applicant and
after having perused the contents of the application, I am satisfied
that the applicant has made out a case for condonation of delay.
Consequently, the present application is allowed. The delay is
hereby condoned. Office to register the appeal. The application is
disposed of.

First Appeal Stamp No.18504/2016

Heard Mrs. Patil, learned counsel for the appellant.

ADMIT. Call for the record and proceedings.

Learned A.G.P. waives notice for respondent no.5.

Civil Application No.605/2017

This is an application for stay of the impugned judgment. On 05.07.2017, notices on this application were issued to all the non applicants. The learned A.G.P. was duly served on the said day. Though, non applicant nos. 1 to 4 are duly served, nobody is appearing today when this application was taken up for consideration.

Order dated 05.07.2017 shows that the applicant was directed to deposit the entire amount under the decree and on the said day, interim stay was granted until further orders.

Mrs. Patil, learned counsel for the applicant, submits that pursuant to the said order, the appellant has deposited the entire decretal amount before this Court on 13.11.2017.

In that view of the matter, the application is allowed. Interim order granted on 05.07.2017 is hereby confirmed.

The application is disposed of.

Civil Application No. 4312/2017

Since, the applicant has already deposited the amount under the award, this application does not survive.

The application is disposed of.

JUDGE