

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

CIVIL APPLICATION (CAF) NO.2413/2017 IN FA ST.NO.26219/2016
Executive Engineer, Minor Irrigation Department, (Now Washim Irrigation Division)
Washim

..VS..

Raghoji s/o Manaji Wankhede and ors

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

Court's or Judge's Order

.....
Shri Vinay Dahat, Counsel for the applicant.
Shri R.G. Kavimandan, Counsel for non-applicant No.1.
Shri I.J. Damle, AGP for non-applicant Nos.2 and 3.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 25, 2018.

1. This is an application for condonation of delay in preferring an appeal under Section 54 of the Land Acquisition Act challenging judgment and award dated 19.4.2016 passed by learned Civil Judge Senior Division, Washim in LAC No.82/2009. Delay is of 77 days.
2. Heard learned counsel Shri Vinay Dahat for the applicant, learned counsel Shri R.G. Kavimandan for non-applicant No.1/original claimant, and learned Assistant Government Pleader Shri I.J. Damle for non-applicant Nos.2 and 3.
3. Notices on this application were already issued and therefore learned counsel Shri R.G. Kavimandan appears for non-applicant No.1. Learned counsel Shri Kavimandan fairly makes a statement before the Court that the claimant will not have any objection for condoning the delay. Hence, for the reasons stated in

the application, the application is allowed. The delay of 77 days caused for filing the appeal is hereby condoned. Office is directed to register the appeal.

FA ST.NO.26219/2016

1. Heard.
2. ADMIT.
3. The record and proceedings be called for.
4. Learned counsel Shri R.G. Kavimandan waives service for respondent No.1 and learned Assistant Government Pleader Shri I.J. Damle waives service for respondent Nos.2 and 3.

CAO NO.1713/2018

1. This is an application for withdrawal of amount. The application is moved by respondent No.1-claimant.
2. The appellant has deposited Rs.17,11,310/- before this Court under order passed by this Court.
3. Both learned counsel for the parties invite my attention to order dated 3.7.2018 passed by this Court (Coram : M.S. Karnik, J.) in CAF No.1501/2018 in FA St.No.26254/2016. The appeal arises from the common judgment. In the said order, this Court has already allowed the similarly circumstanced person to withdraw 75% of the amount deposited by the appellant.
4. In that view of the matter, the civil application is partly allowed. Respondent No.1/claimant will be entitled to withdraw 75% of the amount deposited by the appellant along with interest accrued

thereon on he furnishing undertaking before this Court that in the event the appeal filed by the appellant is allowed, he shall refund the entire amount along with interest that will be determined at the time of final hearing of the appeal.

5. With this, the civil application is disposed of accordingly.

JUDGE

!! BRW !!

...../-