

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.F. NO. 1265/2018 IN FIRST APPEAL STAMP NO. 16329/2017

(ARVIND NARAYANRAO NIRMAL & ANR **VERSUS** EXE.ENGR. BEMBLA PROJECT DIVN. & ORS)

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

Court's or Judge's orders

Shri S.U. Nemade, counsel for the applicants.
 Shri M.A. Kadu, counsel for NA-1.
 Mrs. H.N. Prabhu, A.G.P. for R-2 & 3.

CORAM : A.S. CHANDURKAR, J.

DATE : FEBRUARY 08, 2019.

By this application, it is prayed that the delay in filing the appeal be condoned.

In paragraphs 3 and 5 of the application, it has been stated that the amount of enhanced compensation was credited in the bank accounts of the claimant on 08.06.2017. It is thereafter that the appeal came to be filed. As necessary funds to pay the Court fees were not available, the delay has been caused. Reference has been made to the judgment of the Division Bench of this Court in *State of Maharashtra & Others Versus Yashwant Kahnu Shirsath & Etc.* [AIR 2008 (NOC) 1833 (Bom.)] in that regard.

The application is opposed by the learned counsel for the non-applicants on the ground that the reasons mentioned are not sufficient.

Considering averments made in paragraphs 3 and 5 of the application that the amount of compensation was received only on 08.06.2017 and in the light of the decision referred to hereinabove, I am satisfied that sufficient cause has been made out to condone the delay. Hence, the application is allowed by condoning the delay in filing the appeal.

Civil application is disposed of.

F.A. ST. NO. 16329/2017.

Heard. **ADMIT.** Call for Record & Proceedings.

Learned counsel Shri M.A. Kadu waives notice of hearing on behalf of respondent no.1.

Learned Assistant Government Pleader Mrs. M. Naik waives notice of hearing on behalf of respondent nos.2 and 3.

JUDGE

APTE