

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

Civil Application (F) No.1530/2019

In

First Appeal St. No.924/2019

(VIDC thr Executive Engineer, Patbandhare Vibhag, Akola V Prashant Dharme and others)

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

Court's or Judge's orders

Shri H.D. Marathe, Adv for applicant.
 Shri M. Pathan, AGP for resp. nos. 3 and 4.
 Shri U.J. Deshpande, Adv for resp. nos. 1 and 2.

CORAM : V.M. DESHPANDE AND
S.M. MODAK, JJ.

DATE : 02-03-2020.

This is an application for condonation of delay in filing the appeal, challenging the judgment and award passed by the Ad hoc District Judge-1, Akot in Land Acquisition Case No. 2/2009 dated 17-02-2018.

2. Heard Shri H.D. Marathe, learned Counsel for the applicant, Shri U.J. Deshpande, learned Counsel for non applicant nos. 1 and 2 and Shri M. Pathan, learned AGP for non applicant nos. 3 and 4.

3. On 22-04-2019, notices on this application were issued. The non applicant nos. 1 and 2/ original claimants chose not to file any reply to this application though orally their counsel Shri Deshpande opposes this application. The applicant which is a statutory body has explained the reasons for causing delay on affidavit which remain uncontroverted.

4. As per the pursis stamp no.3008/2020, it is brought to the notice of this Court that the applicant has already deposited the entire decretal amount in the Reference Court.

5. After perusing the statement of facts made on affidavit, we are of the view that the applicant has made out a case for condonation of delay. Hence, we pass the following order.

ORDER

- (a) The delay of 198 days in filing the appeal is hereby condoned.
- (b) Application is allowed.

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- 1. The registry is directed to register the appeal
- 2. After registration of the appeal, place this appeal along with the applications for consideration in the next week.

(S.M. Modak, J.)

(V.M. Deshpande, J.)