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

**C.A.F. NO.1530 OF 2018 IN F.A. ST. NO.4552 OF 2017**
**(The Executive Engineer, Bembla Project Division, Yavatmal .vs. Ravindra Maroti Dhawale and Ors.)**

| Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's Orders |
|---|---|

*Ms Hanuwante, Advocate h/f. Mr.M.A.Kadu, Advocate for the appellant/applicant.*
*Mr.D.A.Sonwane, Advocate for Respondent Nos. 1 and 2.*
*Ms T.H.Udeshi, A.G.P. for respondent nos. 3 and 4.*

**CORAM** : P. N. DESHMUKH &
PUSHPA V. GANEDIWALA, JJ.

**DATE** : 4.2.2020.

Heard.

This is an application filed by the appellant/Corporation for condonation of delay of 215 days caused in preferring present appeal against the impugned Judgment and Award dated 15.7.2015 passed by 2nd Joint Civil Judge (Sr.Dn.), Yavatmal in L.A.C. No.100 of 2009.

For the grounds mentioned in para nos. 3 and 4 of the application, it is found that the delay caused is satisfactorily explained. In that view of the matter, since it is contended that the appellant has a good case on merits, the application is disposed of as allowed.

First Appeal St. No.4552 of 2017

Heard.

Learned Counsel for the appellant seeks leave to correct serial numbers of respondents in the appeal memo. Leave, as prayed, is allowed. Amendment be carried out forthwith by correcting the serial numbers. On making corrections, issue notice to the respondents.

Mr.D.A.Sonwane, learned Counsel waives service on behalf of respondent nos. 1 and 2. Ms T.H.Udeshi, learned Assistant Government Pleader waives service on behalf of respondent nos. 3 and 4.

CIVIL APPLICATION (CAF) NO.1531 OF 2018

Heard.

This is an application for grant of stay to the impugned Judgment and Award dated 15.7.2015 passed by 2nd Joint Civil Judge (Sr.Dn.), Yavatmal in L.A.C. No.100 of 2009.

Learned Counsel for the appellant submitted that conditional stay was granted by this Court by its order dated 15.6.2018 thereby directing appellant/applicant to deposit 50% amount of compensation within a period of eight weeks from the date of order, failing which the application was said

to be considered as dismissed. Since the order could not be complied with, there was, no stay. Hence, the appellant/applicant has taken out present application and along with the same, has filed pursis Stamp No.16696 of 2018 thereby establishing the fact of payment of entire amount of Rs.23,54,190/- before this Court and earlier deposit of Rs.1,13,65,768/- before the Reference Court. Since from the record it is found that the entire amount is deposited, there shall be stay to interim Award and decree.

Cross-Objection No.6 of 2020 in F.A.St.No.4557 of 2017 :

Heard.

Issue notice returnable on 17.3.2020.

Ms T.H.Udeshi, learned Assistant Government Pleader waives service on behalf of respondent nos. 1 to 3.

**JUDGE** **JUDGE**

jaiswal