

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

Civil Application (CAF) No.602 of 2020

And

Civil Application (CAF) No.2444 of 2019

And

Civil Application (CAF) No.2884 of 2019

IN

First Appeal (St.) No.10509 of 2019

Vidarbha Irrigation Development Corporation, Nagpur through its Executive Engineer and Anr.

Vs.

Sau. Sandhyabai w/o Wamanrao Mohod and Others

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

Court's or Judge's Orders

Shri J.B. Kasat, Advocate for the Applicants/Appellants.
Shri Rahul Shinde, Advocate for Non-applicant/Respondent No.1.
Ms. Shamsi Haider, A.G.P for Non-applicant/Respondent Nos.2 and 3.

CORAM : S.M. MODAK, J.

DATE : 14th SEPTEMBER, 2020.

Civil Application No. 602/2020

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

Heard Shri J.B. Kasat, learned Advocate for the applicants, Shri Rahul Shinde, learned Advocate for respondent No.1 and Ms. Shamsi Haider, learned A.G.P for respondent Nos. 2 and 3.

This Court has stayed the impugned judgment subject to deposit of the whole amount of compensation. The time granted was of four weeks. The order was passed on 8th July, 2019.

The applicants claim that they have deposited the principal decretal amount before the trial Court and now the

remaining amount is yet to be paid. Due to pandemic situation and due to office procedure about obtaining approvals of the superior officer, the remaining amount could not be deposited in time. The reason is genuine. Hence the order:-

ORDER

- i. The application is **allowed**.
- ii. Delay caused in depositing the remaining amount is condoned.
- iii. Applicants are permitted to deposit the remaining amount in the office.
- iv. After the amount is deposited, the respondent No.1 is at liberty to verify whether entire amount has been deposited.
- v. If respondent No.1 will ask for the amount, it will be decided in due course.
- vi. The order dated 8th July, 2019 thereby granting stay is restored subject to deposit of the amount.
- vii. The civil application is disposed of.

Civil Application Nos. 2444/2019 and 2884/2019

Heard Shri J.B. Kasat, learned Advocate for the applicants, Shri Rahul Shinde, learned Advocate for respondent No.1 and Ms. Shamsi Haider, learned A.G.P for respondent Nos. 2 and 3.

The impugned judgment was declared on 22nd January,

2018 by the Joint Civil Judge (Senior Division), Achalpur. The compensation was enhanced. The Executive Engineer of V.I.D.C. was not party to that but only its Executive Engineer was made as a party.

The applicants took time to obtain certified copy and to obtain necessary administrative approvals. Respondent No.1 is consenting for the same. It is true that the department has to be made as a party. The delay is explained properly. Hence the order:-

ORDER

- i. The applications are **allowed**.
- ii. The applicant No.1 – V.I.D.C. is permitted to prefer an appeal.
- iii. The delay caused in preferring an appeal is condoned.
- iv. The civil applications are disposed of.

First Appeal (St.) No.10509/2019

Heard.

The appeal is **admitted**.

Call for record and proceedings.

This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE