

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

Civil Application [CAF] No.4383 of 2019
in
First Appeal St.No.16016 of 2019

The Executive Engineer, Nimn Painganga Project, Dist. Yavatmal
vs.

Ravindra Namdev Damanwar & others

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

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Court's or Judge's Orders

*Shri A.M. Kukday, Advocate for the Applicant/Appellant.
 Shri M.A. Kadu, A.G.P. for Respondent Nos.2 & 3.*

CORAM : S.M. MODAK, J.
DATE : 15th DECEMBER, 2020

Heard.

The Reference Court as per the judgment, dated 11/02/2019 has disposed of the reference and directed the non-applicants therein to pay the compensation. Non-applicant No.3 therein is aggrieved by the said decision. There is a delay of 63 days in preferring an appeal.

Though respondent No.1-claimant is served, has not appeared. The applicant relied upon the Government Resolution, dated 03/11/2017 and the new corrigendum, which guides, in which cases the appeal is to be preferred. The certified copy of the judgment was supplied on 27/02/2019. Thereafter, the appellant took some time to complete the office procedure. The reasons are convincing.

Hence, the delay of 63 days caused in preferring the appeal is condoned. The appeal be registered.

The application is allowed and disposed of accordingly.

First Appeal St. No.16016/2019 :

Heard.

Fresh notice be issued only after the decretal amount is deposited by the appellant, making it returnable in the first week of March, 2021.

Shri Kadu, learned A.G.P. waives notice for respondent Nos.2 & 3.

Call for record and proceedings.

Paper book be filed within a period of one year.

Civil Application [CAF] No.4384/2019 :

Heard.

Already stay has been granted subject to depositing of the decretal amount within a period of eight weeks. Due to COVID-19, the amount could not be deposited. The appellant is granted a month's time to deposit the decretal amount.

The claimant is at liberty to apply for withdrawal and it will be decided on merits.

The application is disposed of accordingly.

JUDGE