

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

CIVIL APPLICATION (CAF) NO. 817 OF 2020
IN FIRST APPEAL STAMP NO. 326 OF 2020

Executive Engineer Vs. Kamaladevi Shrawagi (D) Through LRs & Anr.

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

Court's or Judge's orders.

Mr. Ritesh Kalra, Advocate for the applicant
Mr. Anand Thakre, Adv. h/f Mr. D.R. Khapre, Adv. for the non-applicant
No. 1-a to 1-c
Ms. Shamsi Haider, AGP for the non-applicant No.2

CORAM : V.M.DESHPANDE, J.

DATE : 4th DECEMBER, 2021.

This is an application for condonation of delay in preferring the appeal, challenging the judgment and decree passed by the learned Adhoc District Judge, Akot dated 03/03/2018 in Land Acquisition Case No.229 of 2005. Notices on this application were issued. Shri D.R. Khapre, learned counsel has filed *vakalatnama* for and on behalf of the original claimants. Shri Anand Thakre, learned counsel is holding for Shri D.R. Khapre, learned counsel. The claimants have filed their detailed reply opposing the application. I perused the reply. The reply is in the nature of denial.

2. The applicant is a statutory body. No doubt true that no special treatment can be given to any statutory body and before the Court statutory body is also a common litigant. The question is whether the applicant has pointed out sufficient reasons as to why the delay is

caused. The affidavit is filed supporting this application by the Executive Engineer, Jigaon Project Dam and Rehabilitation Division, Shegaon.

3. After having gone through the contents of the application, reply and after hearing the learned counsels for the applicant, non-applicants and learned AGP, I am of the view that the applicant has demonstrated and made out a case for condonation of delay. Resultantly, I pass the following order.

ORDER

- i. The application is allowed.
- ii. Delay stands condoned.
- iii. Office is directed to register the appeal.

4. Even according to the learned counsel for the applicant, except interest part all other amount is deposited. The said statement is being disputed by the learned counsel for the non-applicant No.1. In that view of the matter, the learned counsel for the applicant and non-applicants shall file the tabulation sheet before this Court pointing out as to how the amount is deposited or it is not deposited.

5. Place this matter on **16/12/2021**.

JUDGE

MP Deshpande

Digitally signed by: MILIND
P DESHPANDE
Signing Date: 06.12.2021
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