

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

Civil Application (F) No.3333/2019 in First Appeal St. No.914/2019

(VIDC thr the Executive Engineer, Lower Wardha Canal Division, Wardha V Bajrang
Kundalwar 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 appellant.
Ms Jaipurkar, AGP for resp. nos.2 and 3.

CORAM : S.M. MODAK, J.

DATE : 05-04-2021.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate for the appellant and learned AGP for respondent nos. 2 and 3.

3. There is a delay of 226 days in preferring an appeal against the judgment of the Reference Court, Wardha dated 22-02-2018. Original claimant/respondent no.2 is served but has not been appeared. The prayer is opposed on behalf of the learned AGP. I find convincing reasons in condonation of the delay. It was due to compliance of the office procedure. Hence, the delay of 226 days in preferring an appeal is condoned.

4. Application is disposed of.

First Appeal St. No.914/2019

Heard.

2. **Admit.**

3. Issue notice to respondent no1.

4. The learned AGP waives notice on behalf of respondent

nos. 2 and 3.

5. Copy of the appeal memo be served through office of the Government Pleader.

6. Notice is made returnable after two weeks.

Civil Application (F) No.796/2021

Though this Court has permitted the appellant to deposit the decretal amount as per order dated 04-01-2020, it could not be deposited by the appellant due to COVID-19 situation. Hence, the appellant is permitted to deposit entire decretal amount within a period of one week. The respondent no.1 is at liberty to apply for withdrawal and it will be decided on merits.

2. Application is disposed of.

Civil Application (F) No.3334/2019

The stay to be continued till disposal of the appeal subject to deposit of the decretal amount.

(S.M. Modak, J.)