

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

CIVIL APPLICATION (CAF) NO. 1336 OF 2020 IN FIRST APPEAL
STAMP NO. 8088 OF 2019

Vidarbha Irrigation Development Corporation & Anr. Vs.
Sachinkumar Gandhi and others

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

Court's or Judge's orders.

Mr. J.B. Kasat, Advocate for the applicants
Ms. Priyanka Bodhankar, Advocate for the non-applicant No.1
Ms. Mayuri Deshmukh AGP for non-applicant Nos.2 and 3 / State

CORAM : V.M.DESHPANDE, J.

DATE : 22nd DECEMBER, 2021.

This is an application for condonation of delay in preferring the appeal. The delay is of 101 days. The application is moved by the Vidarbha Irrigation Development Corporation. Notices on this application were issued. In pursuance to the notice, the original claimant has filed reply. The claimant is represented by learned counsel Ms. Priyanka Bodhankar. She pointed out as to why the application needs to be rejected.

2. After having gone through the contents of the application, I am of the view that the applicant has made out a case for condonation of delay. Further, it is to be observed that after the decree is passed, principal amount is deposited in the Reference Court. Though the execution proceedings are filed, the execution has not given the momentum. In that view

of the matter, I am of the view that in the interest of the claimant, the application can be allowed so that the Court can direct the appellants to deposit the entire amount of compensation before the Court and in that situation, the claimant will be entitled to file application before this Court for withdrawal of the amount and the Court can pass the order in accordance with law. In that view of the matter, I pass the following order.

ORDER

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

3. The application is disposed of.

JUDGE

MP Deshpande