

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

CIVIL APPLICATION (CAF) NO. 3580 OF 2019 IN
FIRST APPEAL STAMP NO. 10517 OF 2019

Vidarbha Irrigation Development Corporation and another Vs. Mohd.
Ayub 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. Vinay Dahat, Advocate for applicants
Mr. R.J. Shinde, Advocate for non-applicant No.1
Ms. T.H. Udeshi, AGP for non-applicants No.2 and 3

CORAM : V.M.DESHPANDE, J.

DATE : 4th DECEMBER, 2021.

This is an application for condonation of delay. Delay is of 1436 days for preferring the appeal in challenging the judgment and decree passed by the learned Civil Judge (Senior Division), Achalpur in Land Acquisition Case No. 33 of 2010, by which the learned Judge of the Reference Court partly allowed the reference filed on behalf of the non-applicant No.1.

2. Notices on this application were issued. The non-applicants are served. Shri R.J. Shinde, learned counsel is appearing for non-applicant No.1 / original claimant. Ms. T.H. Udeshi, learned AGP is appearing for non-applicants No.2 and 3.

3. According to learned counsel for the applicant, the applicant has deposited Rs.13,00,018/-. Even in that

behalf, the noting is also there. The learned counsel for the claimant also submitted that he has also filed an application for withdrawal of the amount and the same is pending.

4. Insofar as the present application of condonation of delay, Shri R.J. Shinde, learned counsel for the non-applicant No.1 submitted that he has instructions to make a statement before the Court that the original claimant has no objection if the delay is condoned by this Court. His statement is accepted. The learned AGP is also supporting the application. 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.

5. It will be open for the claimant to move appropriate application, if not filed earlier seeking withdrawal of the amount.

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In view of the fact that the applicant has already deposited the entire decretal amount before this Court, in my view the application for stay needs to be considered favourably. Hence, until further orders, there shall be stay to the execution of the judgment and decree passed by the learned Civil Judge (Senior Division),

Achalpur in Land Acquisition Case No. 33 of 2010.

2. Needless to mention, the original claimant is entitled to move an application, if not already moved for withdrawal of the amount.

3. The application is disposed of.

JUDGE

MP Deshpande