

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

CIVIL APPLICATION (F) NO.2434 OF 2019

IN

F.A. ST. NO. 10846 OF 2019

VIDARBHA IRRIGATION DEVELOPMENT CORPORATION THROUGH ITS EXECUTIVE ENGINEER,
MINOR IRRIGATION DIVISION, CHIKHLI, DIST. BULDHANA

VERSUS

DATTATRAYA KESHAV JOSHI SINCE DECEASED THROUGH LRS SMT. INDUMATI WD/O DATTATRAYA
JOSHI 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 J. B. Kasat, Advocate for applicant /appellant.

Shri R. B. Dhore, Advocate for respondent Nos.1A to 1E, 2A to 2E and respondent
No.3.

Shri D. P. Thakre, Addl. G. P. for respondent No.4.

CORAM : A.S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : 09/08/2021.

This application has been made for condonation of 42 days delay caused for filing an appeal against the Judgment and order dated 22/11/2018 passed by the Civil Judge, Senior Division, Buldhana in LAC No.107/1996. The grounds for filing the appeal at belated stage are mentioned in the application and more particularly in Paragraph No.3 of the application. On the basis of the facts stated in the application, it is prayed that the delay may be condoned.

Learned advocate for the respondents opposes the prayer for condonation of delay. On going through the record and proceeding and more particularly, considering the nature of proceeding, we are of the view that the reasons stated in the application for condonation of delay deserve acceptance.

In view of this, we are inclined to grant this application. Delay of 42 days caused for filing the appeal is condoned.

The civil application stands disposed of accordingly.

F.A.ST. No.10846 OF 2019

Heard.

Admit.

Shri R. B. Dhore, learned Advocate waives notice for respondent Nos.1A to 1E, 2A to 2E and 3.

Shri D. P. Thakre, learned Additional Government Pleader waives notice for respondent No.4-State.

Call for Record and Proceedings.

CIVIL APPLICATION (F) NO.2435 OF 2019

This is an application for stay to the impugned Judgment and award. It is to be noted that on 02/07/2019, conditional stay was granted by this Court subject to deposit of entire amount of award. Learned advocate for the applicant/appellant submits that in pursuance of the directions given by order dated 02/07/2019, amount of Rs.12,18,46,798/- has been deposited. The applicant has, therefore, complied the order.

In view of the position, the stay granted by the order dated 02/07/2019 is confirmed, till the final disposal of the appeal.

The civil application stands disposed of accordingly.

CIVIL APPLICATION (F) NO.1502 OF 2021

The time of two weeks is granted to the advocate for the applicant to file reply to this application.

(G. A. SANAP, J.)

(A.S. CHANDURKAR, J.)