

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

CIVIL APPLICATION (CAF) NO.1258 OF 2021 IN
CIVIL APPLICATION (CAF) NO.03 OF 2020 IN
FIRST APPEAL STAMP NO.11989 OF 2019

V.I.D.C. through its Executive Engineer, Minor Irrigation Division, Wardha
and another

Vs.

Shankar Bakaram Dhongde (dead) through LR's 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 applicants/appellants.

Shri C.R. Najbale, Advocate for non-applicant/respondent Nos.4 to 5.

Shri M.A. Kadu, A.G. P. for respondent no.6.

CORAM : PUSHPA V. GANEDIWALA, J.

DATE : 7th JULY, 2021.

This is an application for supply of correct
address of respondent no.2.

(2) Heard.

(3) Shri Najbale, learned counsel waives service of
notice on behalf of respondent nos.1 to 5.

(4) Applicants to correct the address of respondent
no.2 in appeal memo.

(5) The application stands disposed of.

CIVIL APPLICATION (CAF) NO. 03 OF 2020

(6) Heard.

(7) This is an application for grant of leave to file appeal.

(8) For the reasons recorded in the aforesaid application, the same is allowed. The appellants are permitted to file appeal against the judgment and award dated 16.05.2018 passed by the Civil Judge, Senior Division, Wardha in Land Acquisition Case No. 4 of 2015.

(9) Civil Application is disposed of accordingly.

CIVIL APPLICATION (CAF) ST.NO. 19991 OF 2019

(10) This is an application for condonation of delay of 291 days, which is caused in filing the first appeal.

(11) For the reasons mentioned in the application, the application is allowed. Delay of 291 days is condoned.

(12) The application stands disposed of. Appeal be registered.

FIRST APPEAL NO. OF 2021

(13) Heard.

(14) **ADMIT.**

(15) Shri Najbile, learned counsel waives service of notice on behalf of respondent nos.1 to 5.

(16) Shri M.A. Kadu, learned A.G.P. waives service of notice on behalf of respondent no.6.

(17) Call for record and proceedings.

CIVIL APPLICATION (CAF) ST.NO. 19990 OF 2019

(18) This application is filed by the applicants to stay the execution of impugned judgment and award dated 16.05.2018.

(19) Learned counsel for the applicants submitted that entire amount of award passed by the learned Reference Court in L.A.C. No.4 of 2015 has been deposited in the Reference Court.

(20) In that view of the matter, the execution of the judgment and award dated 16.05.2018 in L.A.C. No.4 of 2015 is hereby stayed during the pendency of this appeal.

(21) The application stands disposed of.

CIVIL APPLICATION (CAF) ST.NO. 1258 OF 2021

(22) This application is filed by respondent nos.1 to 5 for withdrawal of the compensation amount of Rs.9,96,312/- deposited by the appellant.

(23) Shri Kasat, learned counsel for the non-applicant/appellant has raised objection for permitting the said withdrawal.

(24) The applicants (respondent nos.1 to 5) are permitted to withdraw 50% of the said amount by furnishing undertaking on affidavit and remaining 50% of the amount on furnishing one solvent surety.

(25) The application stands disposed of.

JUDGE

Wagh