

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

CIVIL APPLICATION (CAF) NO. 1631/2018 IN
FIRST APPEAL (ST) NO. 17213/2017

The Executive Engineer, Bembla Project Division, Yavatmal

-VERSUS-

Janba Chandrakant Kandalkar & ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri P. B. Patil, Advocate for appellant/applicant.
Shri A. B. Nakshine, Advocate for respondent Nos. 1A to
1H.
Ms. T. Udeshi, AGP for respondent Nos. 2 and 3

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 20.01. 2021.

By this application, the applicant has sought for condonation of delay of 313 days in challenging the judgment and award dated 16.05.2016 passed in LAC No. 171/2011

2. The reasons stated in the application, in my considered view constitute sufficient grounds for condonation of delay subject to payment of cost of Rs. 5000/- to be paid to the Library of the Government Pleader, Nagpur within a period of two weeks.

3. Application stands disposed of.

CIVIL APPLICATION (CAO) NO. 1366/2019

4. Learned counsel for the appellant states that by order dated 22.01.2019, the execution and implementation of the impugned judgment and award was stayed subject to deposit 75% amount of the compensation. He states that there was delay in depositing the amount, in view of which, the respondents had sought execution and implementation of the impugned judgment and award. He states that amount has been deposited and order dated 22.01.2019 has been complied with. In view of the compliance of the order dated 22.01.2019, the stay shall continue till final disposal of the appeal.

5. Civil application stands disposed of.

CIVIL APPLICATION (CAF) NO. 111/2021

6. Not on board, being mentioned, taken on

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board.

7. Learned counsel for the respondent Nos. 1A to 1G seeks leave to amend the prayer clause by substituting 1A to 1H instead of 1A to 1G.

8. Leave granted. Amendment be carried out forthwith.

9. The applicants seek leave to withdraw the compensation amount deposited by the appellant – acquiring body. The appellant has deposited 75% amount of compensation as per the judgment and award of the Reference Court.

10. Leave granted to respondent Nos. 1A to 1H to withdraw 50% of the amount deposited by the appellant upon furnishing usual undertaking before the Registrar (J).

11. Application stands disposed of.

12. Appeal be registered after removing office objection, if any.

13. Learned Assistant Government Pleader waives service of notice on behalf of respondent Nos. 2 and 3 and learned counsel for respondent Nos. 1A to 1H waives service of notice.

14. Appeal be listed for admission.

(SMT. ANUJA PRABHUDESSAI, J.)

Gohane.