

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

Civil Application (CAF) No.3924 of 2019
IN
First Appeal Stamp No.16724 of 2019

VI.D.C. thr. Executive Engineer, Bembla Project Division, Yavatmal Vs. Ashok Pannalal Darda
 (Dead) thr. L.Rs. & Ors.

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

Court's or Judge's Orders

 Shri A.M. Kukday, Advocate for the Appellant.
 Shri S.V. Ingole, Advocate for Respondent Nos.1 to 4.
 Shri M.A. Kadu, AGP for Respondent Nos.5 and 6.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 29th JANUARY, 2021.

The applicant has sought to condone the delay of 466 days in challenging the judgment and award dated 05/12/2017 passed by the Reference Court in L.A.C. No.414/2006.

In view of the reasons stated in the application, delay is condoned, subject to costs of Rs.5,000/- (Rupees Five Thousand Only) to be paid to High Court Bar Association, Nagpur within a period of two weeks.

The civil application stands disposed of.

Appeal be registered after removing office objections, if any.

Civil Application (CAF) NO.3925/2019

Learned counsel for the applicant states that the entire amount of compensation has been deposited before this Court.

Learned counsel for respondent Nos.1 to 4 disputes the said statement and states that as per his calculation, an amount of

Rs.40,00,000/- approximately is required to be deposited.

Learned counsel for the appellant to file the calculation sheet. However, considering the fact that part of the compensation has been deposited, execution of the impugned judgment and award is stayed till the next date.

Stand over to 12/02/2021.

Civil Application (CAF) NO.153/2021

The respondent Nos.1 to 4, who are the original claimants before the Reference Court, have filed this application to withdraw the amount deposited by the acquiring body.

In view of the reasons stated in the application, the respondent Nos.1 to 4 are permitted to withdraw 75% of the amount deposited by the appellant in equal proportion along with proportionate interest. 50% of the said amount be paid without any undertaking and balance 25% subject to furnishing usual undertaking before the Registrar (Judicial).

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Heard. Arguable points are raised. Hence, admit.

Shri S.V. Ingole, learned counsel waives service of notice on behalf of respondent Nos.1 to 4 and Shri M.A. Kadu, learned AGP waives service of notice on behalf of respondent Nos.5 and 6.

Call for the record and proceedings.

Private paper-book to be filed within six months.

(SMT. ANUJA PRABHUDESSAI, J.)