

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

**CIVIL APPLICATION (F) NO. 4309 OF 2019**  
**IN FIRST APPEAL ST. NO. 17530 OF 2018**

(Vidarbha Irrigation Development Corporation & Anr. Vs. Shri Shravan s/o Vasant Warghane & Ors.)

---

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

Mrs. J.A. Alkari, Advocate for the applicants/  
appellants.

Shri A.M. Kadukar, A.G.P for respondent Nos. 2 and  
3.

.....

**CORAM : PUSHPA V. GANEDIWALA, J.**  
**AUGUST 05, 2021.**

Heard.

2] This is an application seeking leave to  
file appeal.

3] It is stated that the appellant – V.I.D.C.  
was not made a party by the claimant before the  
Reference Court.

4] As V.I.D.C. is the aggrieved party by the  
judgment and award which is under challenge in this  
appeal, the application is allowed. The appellants are  
permitted to file appeal against the judgment and  
award dated 08/05/2017 passed by the Civil Judge,  
Senior Division, Hinganghat in L.A.C. No. 4/2017  
(Old L.A.C. No. 20/2011).

5] Civil Application stands disposed of.

**CIVIL APPLICATION (F) NO. 478/2020.**

6] This is an application seeking condonation of delay of 360 days caused in filing the First Appeal.

7] The reasons for causing the aforesaid delay are mentioned in para 2 of the application.

8] Considering the reasons mentioned in the application and finding them to be satisfactory, the application is allowed. Delay of 360 days caused in filing the Appeal stands condoned. Appeal be registered.

**FIRST APPEAL NO...../2021.**

9] Issue notice to the respondents, returnable after four weeks.

10] Shri Kadukar, learned A.G.P., waives notice for respondent Nos.2 and 3.

**CIVIL APPLICATION (F) NO. 479/2020.**

11] This is an application seeking stay filed under Order 41 Rule 5 of the Code of Civil Procedure.

12] It is submitted that the entire decretal amount along with interest has been deposited by the appellant – VI.D.C. with the Registry of this Court.

13] Given the aforesaid submission, there shall be a stay to the effect and operation of the impugned judgment and award dated 08/05/2017 passed by the Civil Judge, Senior Division, Hinganghat in L.A.C. No. 4/2017 (Old L.A.C. No. 20/2011), pending decision of this Appeal.

14] Civil Application stands disposed of.

**JUDGE**

Sumit