

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

CIVIL APPLICATION (CAF) NO.1318 OF 2019

IN

FIRST APPEAL (ST)NO.20444 OF 2018

[VIDC through its Executive Engineer Lower Wardha Canal Division,
Wardha ..**Vrs..** Gajanan Vitthalrao Pandav and Ors.]

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

Court's or Judge's order

Ms. A. S. Athalye, Advocate for Appellant/Applicant
Ms. S. Haider, AGP for the Respondent Nos.2 and 3.

CORAM : M. S. SONAK, J.

DATE : 7th DECEMBER, 2021.

Heard the learned Counsel Ms. A. S. Athalye for Applicant and Ms. S. Haider, learned AGP for the Respondent Nos.2 and 3.

2. The Respondent No.1 has been duly served but no appearance is filed.

3. This is an Application seeking condonation of delay of 70 days in instituting the Appeal.

4. The reasons for this delay have been set out in the paragraphs numbered as 2 and 5. Having regard to such reasons which constitute sufficient cause as also the quantum of delay, a case is made out for condonation.

5. Accordingly, this Application is **allowed**. The delay in instituting this Appeal is condoned.

6. The Application is disposed of in the aforesaid terms.

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7. Today, the delay in instituting this Appeal has been condoned. Accordingly, this appeal is **admitted**.

8. Call for Record and Proceedings.

9. At the request of the learned Counsel Ms. A. S. Athalye for Appellant permission is granted to file private paper book within eight weeks from today.

10. The learned Counsel for the Appellant will have to take steps to serve the Respondent No.1 afresh in this Appeal.

11. Ms. S. Haider, learned AGP waives service on behalf of the Respondent Nos.2 and 3.

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12. In this case, ad-interim relief was granted subject to deposit the awarded amount. The learned Counsel Ms. A. S. Athalye for Applicant states that the entire balance amount has been deposited in this Court.

13. Accordingly, ad-interim relief granted earlier is hereby confirmed. This Application for interim relief is disposed of.

JUDGE

TAMBE

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