

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL (ST) NO.23737 OF 2021
WITH
INTERIM APPLICATION NO.3438 OF 2022
WITH
INTERIM APPLICATION NO.4064 OF 2021
WITH
INTERIM APPLICATION NO.4065 OF 2021**

The Executive Engineer, Nandur
Madhyameshwar Project, Nashik

...Appellant

Versus

Shri Dattu Motiram Davange
and Ors.

...Respondents

.....

Ms. Chaitali Deshmukh for the Appellant.

Mr. Sarfaraj J. Shaikh i/by Mr. Sachin Gite for Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 24th JUNE, 2022.

P.C.:-

**INTERIM APPLICATION NO.4065 OF 2021
(STAY APPLICATION)**

1. Learned counsel for the applicant states that, the entire compensation along with interest as per the judgment of the Reference Court has been deposited before the Reference Court. In the light of the said statement, execution and implementation of the impugned judgment and award is

stayed pending hearing of the appeal.

(SMT. ANUJA PRABHUDESSAI, J.)

**INTERIM APPLICATION NO.4064 OF 2021
(Delay Condonation)**

1. By this application, the applicant has sought to condone the delay of 3 years and 191 days in filing the appeal. In view of the reasons stated in the application, which in my considered view, constitute sufficient cause, the delay is condoned.

2. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

**INTERIM APPLICATION NO.3438 OF 2022
(Withdrawal of compensation)**

1. By this application, the applicant has sought withdrawal of the compensation deposited by the acquiring body. Considering the reasons stated in the application and the grounds raised in the appeal memo, the applicant is permitted to withdraw 50% of the compensation with proportionate interest accrued thereon subject to

Undertaking that the amount with interest will be refunded in the event, the appellant succeeds in the appeal. Application is disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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Appeal be listed for 'Admission' after four weeks,
i.e., 22nd July, 2022.

(SMT. ANUJA PRABHUDESSAI, J.)