

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

INTERIM APPLICATION NO. 3536 OF 2021

IN

FIRST APPEAL (ST) NO. 9137 OF 2021

ALONG WITH

INTERIM APPLICATION NO. 3538 OF 2021

The State of Maharashtra Thr. The Dy.

Collector (Land Acquisition), Raigad

And Anr.

.. Applicants/Appellants

v/s.

Jitendra Dattatray @ Dattuy

Mundkar and Anr.

.. Respondents

...

Mr. A. R. Patil, Addl. GP State.

Mr. Hemant Ghadigaonkar for respondent.

...

CORAM : K. R. SHRIRAM &

KAMAL KHATA, JJ.

DATED : 20TH DECEMBER, 2022.

P.C. :

INTERIM APPLICATION NO. 3536 OF 2021

1. We are not at all satisfied with the explanation for the delay of 2 years and 321 days, i.e., almost 3 years. We have to also note that in the

chronology of dates and events, some of the dates mentioned are incorrect, which indicates the person who has verified the application, i.e., Dr. Deepa Bhosale, Deputy Collector, has not bothered to read the affidavit carefully before verifying the same. That also indicates non application of mind by the said Dr. Deepa Bhosale, Deputy Collector.

2. At the same time Mr. Ghadigaonkar states that court may condone the delay but subject to payment of costs.

3. Accordingly, delay condoned. Appellant shall pay an amount of Rs.10,000/- to respondents by depositing the amount within one week from today in the Trial Court, which respondents may withdraw from the Trial Court. Within one week of respondents filing an application for withdrawal, the registry in the Trial Court shall pay over the amount to respondents, i.e., Rs.5,000/- in the name of respondent no.1 and Rs.5,000/- in the name of respondent no.2.

4. If the amount is not deposited as mentioned above and a compliance affidavit is filed within two weeks from today, appeal will stand dismissed without further reference to this court.

5. All to act on authenticated copy of this order which respondent's advocate may provide.

INTERIM APPLICATION NO. 3538 of 2021

1. Learned G.P. states that this application is for stay of the operation of the impugned judgment and award dated 2nd February 2018. Mr. Patil states the award amount has been deposited in the Trial Court and 50% thereof has been withdrawn by respondents. Mr. Patil further states that stay be granted against respondents withdrawing the amount. Stay accordingly granted.

2. Liberty to apply.

3. Interim application disposed.

4. Appeal is admitted and be listed for final hearing on 16th February 2023.

(KAMAL KHATA, J.)

(K.R. SHRIRAM, J.)