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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3252 OF 2019
IN
REJECTED CASE NO. 2257 OF 2016**

The Executive Engineer Nadur Madhyameshwar
Prakalpa Division, Nashik
V/s.

.....Applicant

Shri Balwant Hari Kokane and Ors

.....Respondents

Ms. Tanaya Goswami, AGP for the Respondent-State.

**CORAM : GAURI GODSE, J.
DATE : 14th September 2022**

P.C.

1. None appears for Applicant. This application is filed for condonation of delay in filing application and for restoration of First Appeal. By an Order dated 30th June 2016, conditional time was granted to remove office objections. Office objections were not removed, hence appeal was dismissed and numbered as Rejected Case No. 2257 of 2016.
2. First Appeal is filed for challenging the Judgment and Award dated 13th September 2012 in Land Acquisition Reference thereby granting enhancement of compensation to the Respondents. There is delay in filing First Appeal. However, in view of the Conditional Order that was passed, Application for Condonation of Delay is also numbered as Rejected Case.
3. Considering the reasons given in the Application, the Application can be allowed. Considering the facts and circumstances of the case it is necessary

in the interest of justice to direct the Applicant to deposit the compensation amount as per the impugned Judgment and Award, if not yet deposited.

4. Considering the reasons given in the application following order is passed:

i) Application is allowed in terms of prayer clauses (a), (b) and (c) which read as under:

“(a) Delay of 3 years 4 months and 22 days caused in filing this Civil Application be condoned.

(b) Be pleased to restore to the file First Appeal(Stamp)No. 7092 of 2016 along with Civil Application for Condonation of Delay(Stamp) No. 7094 of 2016 & Civil Application for Stay(Stamp) No. 7095 of 2016;

(c) Be pleased to grant 4 weeks time to remove all the office objections;”

ii) Applicant is directed to deposit the entire compensation amount as per the impugned Judgment and Award, if not yet deposited, within a period of six weeks from today. In the event, the compensation amount is already deposited the Respondents/claimants will be at liberty to file application for withdrawal of compensation amount.

iii. In the event the amount is not yet deposited, Respondent/Claimants will be entitled to apply for withdrawal of amount, once the amount is deposited as directed by this order.

5. Application is allowed in above terms.

[GAURI GODSE, J.]