

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3260 OF 2019
IN
REJECTED CASE NO. 1234 OF 2019**

The Executive Engineer Nandur Madhyameshwar
Prakalpa Division, Nashik

.....Applicant

V/s.

Shri Bhima Baburao Pawar and Anr

.....Respondents

None for the Applicant

Mr. N. B. Patil, AGP for Respondent-State.

CORAM : GAURI GODSE, J.

DATE : 12th September, 2022.

P.C.

1. This Application is filed for condonation of delay and restoration of First Appeal. First Appeal was filed by acquiring body for challenging common Judgment and Award dated 13th September 2012 passed by 3rd Jt. Civil Judge Senior Division, Nashik. The Applicant challenges the order of compensation granted to the Respondents-Claimants. Today none appears for the Applicant. Since the impugned Judgment and Award is of the year 2012, I find it necessary

to direct the Applicants to deposit the entire amount of compensation, if not yet deposited as a condition for grant of present Interim Application.

2. Hence, following order:

(i) Subject to Applicant depositing the entire amount as per the impugned Judgment and Award (if not yet deposited) within a period of 6 weeks from today, Interim Application is allowed in terms of prayer clause (a) & (b) which read thus:

“(a) Delay of 215 days caused in filing this Civil Application be condoned;

(b) Be pleased to restore to the file First Appeal (Stamp) No. 7373 of 2016 (Rejected case no. 1234 of 2019) along with Civil Application for Condonation of Delay No. 4241 of 2016 & Civil Application for Stay No. 4242 of 2016.”

3. Applicant to file compliance affidavit after complying the directions as per clause (i) above.

4. After compliance affidavit is filed, list the Application for condonation of delay in filing the First Appeal on 14th November 2022.

[GAURI GODSE, J.]