

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

CIVIL APPLICATION (F) NO.885 OF 2018

IN

FIRST APPEAL (ST) NO.508 OF 2011

{Maharashtra Industrial Development Corporation, Amravati ..Vrs..
Sheikh Hasan S/o Sheikh Hussain and Ors.}

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

Court's or Judge's order

Shri M. M. Agnihotri, Advocate for the Applicant/Appellant.
Shri M. A. Kadu, AGP for the Respondents No.2 and 3.

CORAM : ABHAY AHUJA, J.

DATE : 28th SEPTEMBER, 2022.

. This is an application seeking condonation of delay of 207 days in preferring an appeal against the award and decree dated 22.02.2010, passed by the Civil Judge Senior Division, Amravati, in LAC No.139 of 1999.

2. Shri Agnihotri, learned counsel appearing for Applicant/Appellant draws the attention of this Court to paragraphs 3 to 5 of the application in support of his contention for condoning the delay. Learned counsel submits that the Appellant applied for the certified copy of the impugned award and decree on 20.04.2010. On 11.05.2010, the certified copy of the same was received, after which, it was forwarded to the Appellant by the counsel on 18.05.2010, which was further forwarded by the Regional Manager to the Head Office on 23.05.2010, seeking approval for filing an appeal. It is submitted that during this period, the Regional Officer had been transferred, and therefore, the matter could not be pursued at the Head Office level. It is only after the

new Regional Officer joined the said post in mid May-2010 that the matter came be considered for filing an appeal. However, the Regional Officer had health issues, and therefore, the matter could not be pursued until 30.08.2010, until the said Officer resumed his Office. Finally, the approval was granted on 22.11.2010, after which, the counsel filed an appeal on 11.01.2011, after obtaining approval of the draft pleadings. Learned counsel submits that the Appellant has a good case on merit.

3. None appears for Respondent No.1 though served.

4. Shri M. A. Kadu, learned Assistant Government Pleader appearing for Respondents No.2 and 3 has no particular objection, if the delay is condoned and the appeal is registered.

5. Having heard learned counsel and having perused the application, let the delay of 207 days in preferring the appeal be condoned. Let the appeal be registered within a period of two weeks from today.

6. The civil application accordingly stands disposed.

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7. Let a copy of the memo of appeal alongwith complete annexures be served upon Respondents within a period of four weeks and an affidavit of service alongwith tangible proof be filed by the next date.

8. List the matter on **10.11.2022.**

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9. This is an application seeking stay on the execution of the impugned award and decree dated 22.02.2010, passed by the Civil Judge Senior Division, Amravati, in LAC No.139 of 1999.

10 Shri Agnihotri, learned counsel for Applicant submits that he will deposit the entire amount of compensation in this Court within a period of four weeks, subject to which, a stay may be granted.

11. Having heard learned counsel for Applicant, issue notice to the Respondents, returnable on 10.11.2022.

12. Shri M. A. Kadu, learned Assistant Government Pleader waives service of notice on behalf of Respondents No.2 and 3.

13. In the meanwhile, let there be a stay on the execution of impugned order subject to deposit of the entire amount of compensation in this Court.

14. List the matter on **10.11.2022.**

(JUDGE)

TAMBE