

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

CIVIL APPLICATION (CAF) NO.2542/2021

IN

FIRST APPEAL ST. NO.6189/2021

Vidarbha Irrigation Development Corporation Through Executive Engineer, Purna
Medium Project, Achalpur Division, Taluka Achalpur, District Amravati

...Versus...

Gajanan Ramrao Khule and others

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

Court's or Judge's orders

Shri A.M. Kukday, Advocate for applicant
Shri R.J. Shinde, Advocate for respondent nos.1 and 2
Mrs. M.H. Deshmukh, AGP for respondent nos.3 and 4

CORAM : AVINASH G. GHAROTE, J.

DATE : 12/12/2022

The civil application seeks condonation of delay of 155 days in filing the appeal. Though Shri Shinde, learned counsel for the respondent nos.1 and 2 vehemently opposes the application, however, considering the quantum and accepting the explanation given, the delay in filing the appeal is condoned. The civil application is allowed. Office to register the appeal.

FIRST APPEAL ST. NO.6189/2021

Heard. Considering the nature of the challenge,

ADMIT.

Advocate Shri R.J. Shinde waives service of notice for the respondent nos.1 and 2 on merits. Learned Assistant Government Pleader Mrs. M.H. Deshmukh waives service of notice for the respondent nos.3 and 4 on merits.

Call record and proceedings. Private paper-book be filed within four weeks.

CIVIL APPLICATION (CAF) NO.2543/2021

The civil application seeks stay of the impugned order of the Reference Court. As the entire amount of compensation has been deposited as per the office-note dated 30/06/2022, the *ad interim* stay granted by this Court stands confirmed. The civil application stands disposed of.

CIVIL APPLICATION (CAF) NO.1428/2022

The civil application seeks withdrawal of the entire compensation amount. However, considering the opposition and reasons given, 50% of the amount deposited with accrued interest is permitted to be withdrawn by the respondent nos.1 and 2, subject to the undertaking being furnished by the respondent nos.1 and 2/claimants to the satisfaction of the Registrar (Judicial). The civil application is partly allowed in the above terms. No order as to costs.

(AVINASH G. GHAROTE, J.)