

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

Civil Application No. 1160 of 2021
in
First Appeal St. No. 8518 of 2019

VIDC Chief Executive Engineer, Wardha
Versus
Kamlabai Vasantrao Shete and others

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

Court's or Judge's Order

Shri Amit M. Kukday, Advocate for the Appellant.
Shri C.G.Barapatre, Advocate for the respondent nos.2to 5
Shri Harshal Dubey, AGP for the respondent nos.6 and 7.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 7th JANUARY, 2022.

By this application, the Applicants have sought to condone the delay of 189 days in filing the appeal under Section 54 of the Land Acquisition Act, 1894.

2. The learned counsel for the respondent nos. 2 to 5 and learned AGP for the respondent nos. 6 and 7 have no objection for condoning the delay. In the light of the said statement and in view of the reasons stated in the application, the delay is condoned. The civil application is disposed of.

Civil Application (CAF) No. 48 of 2022

1. By this application, the respondent no. 2, 3 and 5 who are represented by their duly constituted attorney and the respondent no.4 have prayed for withdrawal of amount of compensation deposited by the appellant as per the judgment and award dated 4th December, 2019 in the Land Acquisition Case No. 63 of 2016.

2. Having considered the reasons stated in the application, the respondent no. 2, 3 and 5 through their constituted attorney i.e. respondent no.4 are permitted to withdraw 50% of the deposited amount along with accrued interest thereon, subject to filing an undertaking by the respondent nos. 2, 3 and 5 through their constituted attorney i.e. respondent no.4 that they will refund the entire withdrawal amount alongwith accrued interest in the event the appellant succeeds in the appeal.

3. The application stands disposed of.

First Appeal St. No. 8518 of 2020

Learned counsel for the respondent nos. 2 to 5 states that respondent no.1 has expired and respondent no.2 to 5 are the legal representatives of respondent no.1.

2. Necessary corrections be carried out in the application as well as appeal memo.

(SMT. ANUJA PRABHUDESSAI, J.)