

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

CIVIL APPLICATION (CAF) NO. 1743 OF 2022

IN

FIRST APPEAL (ST) NO. 15191 OF 2021

Executive Engineer, Yavatmal and anr.

Vs.

Sau. Vimal Somaji Madavi and Ors.

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

Court's or Judge's Orders.

Ms. Ira P. Khisti, Advocate for appellants.

CORAM : ABHAY AHUJA, J.

DATE : 16.09.2022.

Civil Application (CAF) No.1743/2022

This is an application seeking condonation of delay of 334 days in filing the appeal against the judgment and order dated 01.03.2019.

2. Learned counsel for the applicants has drawn attention of this Court to paragraphs 3 to 5 of the application in support of the submissions for condonation of delay.

3. Having heard the learned counsel for the applicants and having perused the application, the delay is condoned.

4. The Registry is directed to register the First Appeal.

5. Accordingly, the condonation of delay application stands disposed of

Civil Application (CAF) No.1744/2022

By this application, learned counsel for the appellants/applicants – VIDC is seeking stay of the judgment and order dated 01.03.2019 passed by the Civil Judge Senior Division, Kelapur, in LAC No.05/2012, enhancing the compensation claimed by respondents.

2. The learned counsel for the appellant/applicant submits that the cheques for depositing the entire amount compensation are ready and therefore, the stay may be granted.

3. Having heard the learned counsel for the appellant and having perused the application, this Court is of the view that the judgment and order dated 01.03.2019 passed by the Civil Judge Senior Division, Kelapur, in LAC No.05/2012, is stayed subject to deposit 100% amount of compensation in this Court within a period of one week.

4. The civil application accordingly stands disposed in above terms.

First Appeal (St) No. 1519 /2022

Admit.

2. Registry is directed to call for Record and Proceedings within a period of four weeks

3. Issue notice to the respondents, returnable in **four weeks**.

4. Ms. Trupti Udeshi, learned AGP waives service of notice on behalf of respondent Nos.3 & 4.

5. Private Paper book along with compilation of documents and evidence be filed within a period of four weeks thereafter.

6. Let the Memo of Appeal along with compilation of documents and evidence be served on the respondents within a period of two weeks and an affidavit of service with tangible proof be filed in this Court.

7. List the appeal on **17.10.2022**.