

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

CAF No.148/2020 in First Appeal St. No.19687/2018

VIDC, thr Executive Engineer, Bembla Irrigation Division, Yavatmal and another V
Vitthal thr Lrs and others

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

Court's or Judge's Orders

Mr. J.B. Kasat, Advocate for appellants.
Mr. A.S. Dhore, Advocate for resps. no.1 to 4.
Mr. M.A. Kadu, AGP for resps. no.5 and 6.

CORAM : ABHAY AHUJA, J.
DATE : 11-10-2022

Heard.

This is an application seeing condonation of delay of 443 days in filing an appeal against the judgment and award passed by the 2nd Joint Civil Judge, Senior Division, Yavatmal in LAC No.783/20212 on 16-01-2017. The learned Counsel would submit that in this case the enhancement by the Reference Court has been from Rs. 90,000/- per hectare to Rs.4,20,000/- per hectare which is quite exorbitant and has been done without any supporting evidence. He draws the attention of this Court to paragraphs 2 to 6 of the application to explain the delay. He submits that although the certified copy was received on 08-03-2017 and acquiring body was informed of the same it took some time for the preparation to obtain legal opinion and to remit the necessary Court fees and therefore the delay has been caused.

The learned Counsel for the respondents/claimants

has no particular objection if the delay is condoned.

Having heard the learned Counsel for the applicants and having perused the application, this Court is satisfied that there is sufficient cause made out for condonation of delay.

4. The delay of 443 days in filing this appeal is condoned.

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

6. Application stands disposed.

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The learned Counsel states that the principal amount is deposited in the Reference Court and interest in this Court, and as such the entire amount has been deposited. He therefore requests that the stay granted earlier to continue till the final disposal of the Appeal.

Having heard the learned Counsel, stay granted earlier to the execution of the impugned order to continue till the final disposal of the Appeal.

Application stands disposed.

First Appeal St. No.19687/2018

List the matter 09-11-2022.

(Abhay Ahuja, J.)