

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

CIVIL APPLICATION (CAF) NO.1402/2019
IN
FIRST APPEAL ST. NO.19881/2018

Executive Engineer, Bembala Irrigation Division, Yavatmal and another
Vs.

Bayabai Devba patil (dead) through LRs Nivrutti Devba Patil and others.

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

Court's or Judge's Orders

Mrs A.S. Athalye, Advocate for appellants
Shri N.R. Patil, AGP for respondent Nos.5 and 6.

CORAM : S.M. MODAK, J.
DATE : 15/06/2022

Heard learned Advocate for the appellants. There is a delay of 381 days in preferring appeal. The appellants took time as per office procedure. They have to obtain the opinion of the Head Office and after that it was referred to the Standing Counsel. It took some time to complete all procedure. All the claimants i.e. respondent nos.2A to 2D, 3 and 4 are served. Today no one is present on their behalf.

2. I find the reasons convincing, in view of that delay is condoned.

FIRST APPEAL STAMP NO.19881/2018

Heard.

This is an appeal by the acquiring body against the judgment awarding the compensation.

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3. **ADMIT.** Issue notice to the respondents.
4. Learned AGP waives notice for respondent nos.5 and 6.
5. Call for the record and proceedings.
6. Fresh notice to be issued to respondent Nos. 2D, 3 and 4.
7. Appellant to file private paper book within a period of six months.

CIVIL APPLICATION NO.1403/2019

This Court has already stayed execution of the award as per the order dated 20/08/2019. The appellant has also deposited an amount of Rs.4,36,427/-. In view of that stay granted earlier is continued till disposal of the appeal.

2. Claimants are at liberty to apply for withdrawal of the amount.
3. Civil Application is disposed of.

R.S. Sahare

JUDGE