

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

CIVIL APPLICATION (CAF) NO.2354/2017

IN

FIRST APPEAL ST. NO.22129/2016

Executive Engineer, Minor Irrigation Division, Wardha, Tah. And Distt. Wardha

...Versus...

Nagorao Annayaji Misal (Dead) through L.Rs.

Raghubhai Wd/o Nagoraoji Misal 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 S.K. Bhoyar, Advocate for applicant
Shri C.R. Najbale, Advocate for respondent nos. 1(1-a to 1-e)
Shri M.A. Kadu, AGP for respondent nos.2 and 3

CORAM : AVINASH G. GHAROTE, J.

DATE : 22/12/2022

1. The civil application seeks condonation of delay of 483 days in filing the first appeal.
2. Though Shri Najbale, learned counsel for the legal representatives of the respondent no1 objects, however, considering the quantum and accepting the explanation, the delay in filing the appeal is condoned. The civil application is allowed and disposed of. Office to register the appeal.

FIRST APPEAL ST. NO.22129/2016

1. Heard.
2. **ADMIT.**

3. Advocate Shri C.R. Najbale waives service of notice for the respondent nos.1 (1-a to 1-e) on merits. Learned Assistant Government Pleader Shri M.A. Kadu waives service of notice for the respondent nos.2 and 3. Call record and proceedings. Private paper-book be filed within two weeks.

CIVIL APPLICATION (CAF) NO.2355/2017

1. The civil application seeks stay of the impugned award.

2. Shri Bhoyar, learned counsel for the applicant makes a statement that the principal amount of compensation as directed by the learned Reference Court of Rs.5,72,235/- has been deposited with the Reference Court and undertakes to deposit the balance amount with accrued interest in this Court within three weeks. Accepting the statement, subject to deposit of the balance amount with accrued interest in this Court, the civil application is allowed. The claimants are entitled to file application for withdrawal.

(AVINASH G. GHAROTE, J.)