

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

CAF NO.396/2021 IN FA NO.285/2022

VIDC, thr.its Executive Engineer, Lower Vena Project, Wardha

..VS..

Dnyaneshwar Sadashi Nagpure and anr

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

Court's or Judge's Order

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Ms Anjali Agrawal, Counsel for the Appellant.
Mrs.Rajkumari Rai, Counsel for R-1.
Shri M.A.Kadu, AGP for R-2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 10/03/2023

1. Learned counsel Ms Anjali Agrawal for the appellant submits that amount of compensation along with interest accrued thereon is already deposited.
2. There shall be **stay** to effect, operation, and execution of the impugned judgment and award dated 30.3.2019 passed by learned 14th Joint Civil Judge Senior Division, Nagpur in LAC No.154/2005, till final disposal of he appeal.
3. The application is **disposed** of.

CAO No.335/2023

1. This is an application under Section 5 of the Limitation Act for condonation of delay in filing cross objection. Delay is of 122 days.
2. A per contention of the cross objector, the appeal is admitted on 10.8.2022. Learned counsel Mrs.Rajkumari Rai waived notice for the cross objector. Due to post Covid-2019 complications, the cross objector could not file the cross objection within time and, therefore, the delay is caused.
3. Learned counsel Ms Anjali Agrawal for the appellant raises objection on the ground that the delay is not properly explained. The same is the objection of learned AGP for the State.

4. The claimant has filed this cross objection for enhancement of compensation under the beneficial legislation. For technical reason, he cannot be deprived for enhancement of compensation. It is a well settled law that a liberal approach is to be taken to do substantial justice while considering applications for condonation of delay.

5. For reasons stated in the application, the application is allowed. The delay stands condoned, however the same shall be subject to waiver of interest on delayed period.

6. The application is **disposed** of.

Cross Objection St.No.791/2023

1. **Admit.**

2. Learned counsel Ms Anjali Agrawal waives service for the VIDC, Wardha and learned AGP Shri M.A.Kadu waives service for the Special Land Acquisition Officer, Nagpur.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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