

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

CIVIL APPLICATION (CAF) NO.259 OF 2021
IN
FIRST APPEAL STAMP NO.1346 OF 2020

Executive Engineer Nimna Wardha Prkalp Wardha
Vs.
Chitra Arun Kasar and others

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

Court's or Judge's orders

Ms. I. P. Khisti, Advocate for appellant.
Ms. T. H. Udeshi, AGP for respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/04/2023

1. This application is for condonation of delay.
2. The respondent No.1 though served, none appeared. Learned AGP Ms. Udeshi, appears for respondent Nos.2 and 3 who has no objection for condonation of delay.
3. As per contention of the appellant, the appellant is a statutory body who has to obtain the necessary approvals before preferring the appeal, wherein the time was consumed and, therefore, the delay of 235 days is caused in preferring the appeal.
4. Considering the reasons mentioned in the application, it appears that delay is caused due to the unavoidable circumstances which is satisfactory reason hence, delay deserves to be condoned. In view of that,

civil application is allowed. Delay of 235 days is condoned.

5. Civil Application is disposed of.
6. Appeal be registered.

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1. Heard.
2. **Admit.**
3. Learned AGP Ms. Udeshi, waives notice for respondent Nos.2 and 3.
4. Call for record and proceedings.
5. Appellant to file paper book within ten weeks, after receipt of the record and proceedings.
6. Appeal be placed before the Court after filing of the paper book, its verification, as per its own turn.

Civil Application (CAF) No.260/2021

1. By this application, the appellant is seeking stay to the effect, operation, implementation and execution of the impugned judgment and award dated 21.02.2019 passed by the 2nd Joint Civil Judge Senior Division, Wardha in Land Acquisition Case No.41/2017.
2. Learned Advocate Ms. Ira Khisti for the appellant submitted that principal amount is already deposited before the Reference Court.
3. On depositing the interest amount along with the statutory benefit within ten weeks, the effect, operation, implementation and execution of the

(3)

23.caf.259.2021

impugned Judgment and Award passed by the 2nd Joint Civil Judge Senior Division, Wardha in Land Acquisition Case No.41/2017 be stayed till final disposal of the appeal.

4. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate