

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

**CIVIL APPLICATION NO.1101 OF 2022 IN
FIRST APPEAL (ST.) NO.2050 OF 2022**

(Executive Engineer, Purna Medium Project, Achalpur Vs. Bebitai w/o Dattatray Ghom and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vinay Dahat, Advocate for the appellant.
Shri M.A. Kadu, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 16, 2023.

Heard.

2. This application is for stay to the effect, implementation and operation of the impugned judgment and award passed by the Joint Civil Judge, Senior Division, Achalpur in L.A.C. No.21/2008 decided on 14/01/2015.

3. Shri Dahat, learned Counsel for the appellant submitted that the entire amount of compensation is already deposited.

4. In view of the statement made by the learned Counsel for the appellant, the effect, operation and implementation of the impugned judgment and award passed by the Joint Civil Judge, Senior Division, Achalpur be stayed till final disposal of the appeal.

5. Civil application is disposed of.

CIVIL APPLICATION NO.273/2023

Heard.

2. Present application is filed by the appellant

for condonation of delay which is caused in setting aside abatement and bringing legal heirs on record.

3. Shri Dahat, learned Counsel for the appellant submitted that this Court has issued the notice to respondent No.1 vide order dated 20/07/2022.

4. Though respondent No.1 died prior to preferring the appeal, this fact brought to the knowledge of the appellant that the notice was issued and report was received regarding the death of respondent No.1. Thereafter appellant has admitted to get the information wherein the time was consumed, and therefore, there is a delay.

5. Though non-applicants are served with the copy of this application, none appeared.

6. In reasons mentioned in the application are sufficient and justifiable one.

7. In view of that delay is condoned and abatement is set aside.

8. Civil application is disposed of.

9. The appellant is permitted to bring the legal heirs of respondent No.1 on record as the copy of the application is already served on the proposed legal heirs.

10. Amendment be carried out within stipulated period.

11. Issue notice to the proposed legal heirs of respondent No.1, returnable in four weeks.