

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

**CIVIL APPLICATION NO.443 OF 2023 IN
FIRST APPEAL (ST.) NO.2246 OF 2023**

(The Executive Engineer, Nimn Painganga Project Division, Yavatmal Vs. Virendra Devidas Warhekar
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 T.M. Zaheer, Advocate h/f Shri A. Parihar, Advocate for the appellant.
Ms A.S. Kashikar, Advocate for respondent No.1.
Shri K.L. Dharmadhikari, AGP for the State.

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

Heard.

2. This is an application for condonation of delay which is caused in preferring the appeal by the appellant – acquiring body.

3. Ms Kashikar, learned Counsel for respondent No.1 and Shri Dharmadhikari, learned Assistant Government Pleader for respondent Nos.2 and 3, waive notice.

4. As per the contention of the appellant, the appellant is a statutory body who has to obtain the approval and legal information from the higher officials before preferring the appeal wherein the time was consumed and hence, delay of 278 days is caused in preferring the appeal.

5. Ms Kashikar, learned Counsel for respondent No.1 raised objection that the delay is not properly explained.

6. Learned Assistant Government Pleader has no objection for condonation of delay.
7. Considering the appellant is a statutory body who has to obtain the necessary approval from the higher officials for preferring the appeal, the delay is condoned.
8. Civil application is disposed of.

FIRST APPEAL (ST.) NO.2246 OF 2023

Heard.

2. Appeal be registered.
3. **ADMIT.**
4. Call for R. & P.
5. The appellant to file private paper book within 10 weeks, after receipt of R. & P.
6. Place the matter for final hearing after filing of the paper book and its verification, as per its turn.

(URMILA JOSHI-PHALKE, J.)

**Divya*