

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

CIVIL APPLICATION (O) NO. 270/2023 IN M.C.A. STAMP NO. 3641/2023

IN

RC 376/2019 (FIRST APPEAL STAMP NO. 19911/2018

(VI.D.C. YAVATMAL **VERSUS** GAJANAN KANIRAM CHAVAN & OTHERS)

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

Court's or Judge's order

Shri S.K. Bhoyar, counsel for the applicant.

Ms S. Haidar, Assistant Government Pleader for the non-applicant nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : FEBRUARY 24, 2023.

By this application, the applicant seeks condonation of delay caused in filing the miscellaneous civil application for setting aside the order dated 02.04.2019 passed by the Registrar (Judicial) by which the registration of the appeal was refused.

It is the contention of the applicant-Acquiring Body that it filed the accompanying appeal against the judgment and award passed by the reference Court by which the enhanced compensation is awarded at the rate of Rs.1,45,000/- per Hectare. Since the amount of enhanced compensation was exorbitant and excessive, the accompanying appeal came to be filed. However, at the time of filing the appeal the Registrar (Judicial) of this Court raised some objections and a conditional order was passed for removal of Office objections. As the Office objections were not removed the Registrar (Judicial) has passed the order rejecting the registration of the appeal. The order of rejection of registration of the appeal was not noted by the learned counsel for the applicant and therefore he could not approach this Court for setting aside the said order. The said order was noted by the learned counsel for the applicant when he was preparing the list for clubbing the appeals for sending them to the Lok-Adalat. Thus, it is contended that the delay not being intentional, the same may be condoned.

The learned Assistant Government Pleader raised an objection for condonation of delay on the ground that the delay is not properly explained.

Heard both the sides and perused the application. The appeal is dismissed before its registration as the Office objections were not removed. Hence, for the reasons stated in the application delay caused in filing the miscellaneous civil application is condoned. The civil application is allowed and disposed of.

MISCELLANEOUS CIVIL APPLICATION STAMP NO. 3641/2023.

On removal of the Office objections within a period of two weeks from today the appeal be restored at its original stage.

The miscellaneous civil application is allowed and disposed of.

(URMILA JOSHI-PHALKE, J.)

APTE