

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

**CIVIL APPLICATION (CAF) NO. 561/2023 IN F.A. ST. NO. 3779/2020**

V. I. D. C. Through Its Executive Engineer, Wardha

Vs

Vasantrao Ramji Goho (Dead) Girish S/O Vasantrao Ghoho And Others

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

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Court's or Judge's Order

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Mr U.A.Gosavi, advocate for the applicant/appellant.

Mr C.R. Najbile, advocate for the respondent Nos. 1 to 5.

Mr M.A. Kadu, AGP for the respondent No. 6.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 12/04/2023.**

1. By this application, the appellant is seeking stay to the impugned judgment and order passed in L.A.C. No. 82/2013.

2. Heard learned advocate Mr U.A. Gosavi for the appellant, he submitted that the appellant has already deposited the principal amount of Rs. 65,36,991/- in the reference court along with 30% solatium and 12% interest. Now, the appellant is ready to deposit the balance interest amount for the satisfaction of this Court.

3. In view of the submission, on depositing the balance amount of interest within a period of ten weeks, the operation, implementation and execution of the impugned judgment and award be stayed till the final disposal of the appeal.

4. On failure to deposit the amount, the stay granted will be vacated automatically without further reference to the Court.

Civil Application is disposed of.

**Civil Application (CAF) No. 560/2023**

1. Present application is for seeking condonation of delay of 220 days which is caused in preferring the appeal.

2. As per the contention of the appellant, the reference was decided on 08/04/2019. Thereafter, the appellant applied for certified copy which are received by the appellant on 01/06/2019 along with a letter of the concerned counsel, who was representing the VIDC before the Reference Court. Thereafter, the appellant applied for the necessary approvals from superior officials which were granted on 22/08/2019 and the file was handed over to the learned counsel on 04/11/2019. Thus there is just and reasonable cause for condonation of delay and hence requested for condoning the delay.

3. Learned advocate for respondent Nos. 1 to 5 as well as learned AGP for respondent No. 6 has no objection for condoning the delay.

4. In view of the reasons mentioned in the application, the application is allowed. Delay of 220 days is condoned.

**First Appeal St. No. 3779/2020**

1. First Appeal be registered.
2. **Admit.**
3. Call for record and proceedings.
4. Mr C.R. Najbile, learned advocate waives service of notice on behalf of respondent Nos. 1 to 5.
5. Mr M.A. Kadu, learned AGP waives service of notice on behalf of respondent No. 6.
6. Appellant to file private paper-book within a period of eight weeks, after receipt of the record and proceedings.
7. Appeal be placed for final disposal after filing of private paper-book and its verification, as per its own turn.

**JUDGE**