

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

**CIVIL APPLICATION NO.656 OF 2021 IN
MISC. CIVIL APPLICATION (ST.) NO.3806 OF 2020 IN
FIRST APPEAL (ST.) NO.2761 OF 2019**

(Executive Engineer, V.I.D.C., Nagpur Vs. Gulab Kawduji Yerkade and ors.)

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

Court's or Judge's Order

Ms A.S. Athalye, Advocate for the appellant.
Ms Haider, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 13, 2023.

The office note shows that though order was passed on 13/01/2023 it reflects that the another order was passed and earlier order is extended till next date but stay is not granted till date.

2. Present appeal is preferred by the appellant against the judgment and award passed by the Joint Civil Judge, Senior Division, Yavatmal. The appellant has already deposited the entire amount of compensation along with accrued interest and by filing Civil Application no.3231/2019 requested for stay to the effect, operation and implementation of the judgment dated 20/01/2017 wherein no order was passed.

3. In view of the reasons mentioned in the application delay of 47 days is condoned which is caused in filing the restoration application.

4. The application is disposed of accordingly.

MISC. CIVIL APPLICATION (ST.) NO.3806/2020

In view of the reasons mentioned in the application, the application is allowed. The appeal is restored. The application is disposed of accordingly.

CIVIL APPLICATION NO.3231/2019

By this application, the appellant is seeking stay to the execution, effect and operation of the impugned judgment dated 20/01/2017 passed by the Joint Civil Judge, Senior Division, Yavatmal and LAC No.278/2012. As the amount is already deposited by the appellant in this Court and in view of that the impugned judgment and its effect and operation and implementation be stayed till final disposal of the appeal.

2. The civil application is disposed of.

CIVIL APPLICATION NO.3230 OF 2019

By this application, the appellant is seeking condonation of delay which is caused in filing the appeal.

2. Issue notice to the respondents, returnable in three weeks.

3. Learned Assistant Government Pleader waives notice for respondent Nos.2 and 3.

(URMILA JOSHI-PHALKE, J.)

**Divya*