

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

CIVIL APPLICATION (CAF) NO. 2694/2021
IN FIRST APPEAL STAMP NO. 3983/2021

Executive Engineer, Madhyam Prakaalpa Vibhag, Yavatmal

Vs

Premsingh Dayaram Pawar And Others

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

Court's or Judge's Order

Mrs I.P. Khisti, Advocate for the applicant/appellant

Mr S.V. Ingole, Advocate for the respondent Nos. 1 to 5.

Mrs Shamshi Haider, AGP for the respondent Nos. 6 to 7.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/02/2023.

1. Heard.
2. By this application, the appellant is seeking condonation of delay which is caused in preferring the appeal.
3. Issue notice to the respondents.
4. Mr S.V. Ingole, learned advocate waives service of notice on behalf of respondent Nos. 1 to 5.
5. Mrs Shamshi Haider, learned AGP waives service of notice on behalf of respondent Nos. 6 to 7.
6. As per the contention of the appellant, the appellant has preferred this appeal against the judgment and award passed by the Civil Judge, Senior Division, Darwha in LAC No. 43/2010. The appellant is the body constituted and the appellant has to take necessary approval from the superior

officials and also has to obtain the legal opinion before filing the appeal, wherein time was consumed. Therefore, the delay is caused in preferring the appeal.

7. It is submitted by the learned Advocate Mrs I.P. Khisti, that delay is not an intentional one. There is sufficient and reasonable cause for the condonation of delay. Hence, the delay be condoned.

8. The said application is strongly opposed by the learned Advocate Shri S.V. Ingole, on the ground that the reasons are not mentioned in the delay condonation application and hence application deserves to be rejected.

9. Mrs. Shamshi Haider, learned APP has no objection for the condonation of delay.

10. Heard both sides. Perused the application.

11. Considering the appellant is acquiring body who has to obtain the necessary permissions from the higher officials before preferring the appeal, after obtaining the legal opinion. Thus, the reasons mentioned in the application appears to be just and reasonable. In view of that, delay of 479 days is condoned.

12. Registry is directed to register the First Appeal.

Civil application is disposed of.

FIRST APPEAL STAMP NO. 3983/2021

1. Call for record and proceedings.

2. Appellant to file private paper book within a period of 10 weeks, after receipt of record and proceedings.
3. After private paper book is filed so also after its verification, place the matter for final hearing, as per its turn.

CIVIL APPLICATION (CAF) 2695/2021

1. By this application, the applicant/appellant is seeking stay to the implementation, execution and operation of the judgment and award passed by the learned Civil Judge, Senior Division, Darwha in L.A.C. No. 43/2010.
2. Learned Advocate, Mrs. Ira Khisti submitted that the principal amount has already been deposited.
3. On depositing the balance amount including the statutory benefits within 10 weeks, the implementation and execution of the award passed by the learned Civil Judge, Senior Division, Darwha be stayed, till 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.

JUDGE