

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

CIVIL APPLICATION (CAF) NO.503 OF 2021

IN

FIRST APPEAL STAMP NO.4510 OF 2020

Vidarbha Irrigation Development Corporation through Executive Engineer, Bembla
Canal Division, Yavatmal

Vs.

Krushna Laxman Jadhav and others

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

Court's or Judge's orders

Mr. H. D. Marathe, Advocate for appellant.

Mr. A. Thakre, Advocate h/f Mr. V. D. Darne, Advocate for respondent No.1.

Mr. M. A. Kadu, AGP for respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 14/02/2023

1. By preferring this application, appellant is seeking condonation of delay of 52 days which is caused in filing the appeal.

2. Appellant/VIDC has challenged the judgment and award passed by the 2nd Joint Civil Judge Senior Division, Yavatmal. As per the contention of the appellant, the reference Court has awarded the compensation which is an exorbitant and excessive one, and therefore appellant has preferred this appeal, however, delay of 52 days is caused in preferring the appeal.

3. It is further contended by the VIDC/appellant that it is a statutory body and it has to obtain the necessary approvals before filing of appeal,

therefore, time was consumed. There is just and reasonable cause for condonation of delay, hence delay be condoned.

4. Learned Advocate Mr. Thakre holding for Mr. Darne, learned Advocate for the respondent No.1 has no objection for condonation of delay. The learned AGP Mr. Kadu has also no objection for condonation of delay.

5. Considering the reasons mentioned in the application, delay is condoned.

6. The First Appeal be registered.

7. Civil Application is disposed of.

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1. **Admit.**

2. Mr. Thakre, learned Advocate waives notice for respondent No.1.

3. Mr. Kadu, learned AGP waives notice for respondent Nos.2 and 3.

4. Call for record and proceedings.

5. Appellant to file private paper-book within eight weeks, after receipt of the record and proceedings. The First Appeal be placed after paper-book is filed, and

its verification, as per its turn.

Civil Application (CAF) No.504 of 2021

1. On depositing the balance amount of accrued interest on the principal amount within eight weeks, the implementation, effect and operation of the impugned judgment and decree dated 21.09.2019 passed by learned 2nd Joint Civil Judge, Senior Division, Yavatmal in Land Acquisition Case No.299 of 2016 is stayed till disposal of the appeal.
2. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate