

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

CIVIL APPLICATION (F) NO.1949 OF 2022

IN

FIRST APPEAL (ST) NO.4747 OF 2021

[VIDC thr. The Executive Engineer ..V/s.. Habibkha Gojadrkha and Ors.]

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

Court's or Judge's order

Mr H. D. Marathe, Advocate for Applicant/Appellant.
Mr R. J. Shinde, Advocate for Respondent No.1.
Mr M. A. Kadu, AGP for Respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 6th MARCH, 2023.

1. By this application, the applicant/appellant is seeking condonation of delay of 680 days, which is caused in preferring the appeal against the judgment and award passed by the Civil Judge Senior Division, Darwaha in LAC No.23 of 2008.

2. As per the contention of the applicant, the impugned judgment was passed on 04.02.2019. Applicant applied for certified copy and received it on 22.02.2019. Thereafter, Applicant has to take required opinion from its Higher Official and thereafter, the applicant has to file the appeal. In obtaining the opinion, the time was consumed, and therefore, there is delay of 680 days.

3. Mr Shinde, learned Advocate appearing for respondent No.1, has no objection for condonation of delay. Mr Kadu, learned AGP has also no objection for condonation of delay.

4. In view of the reasons mentioned in the application and considering the appellant is a Statutory Body, which has to obtain

the necessary approval from the Higher Official before preferring the appeal. Reason mentioned appears to be just and reasonable.

5. In view of that application is allowed and delay of 680 days is condoned. Appeal be registered and numbered accordingly.

6. Civil Application No.1949 of 2022 is disposed of.

FIRST APPEAL (ST) NO.4747 OF 2021.

7. **Admit.**

8. Call for Record and Proceedings.

9. Appellant to file private paper-book within eight weeks after receipt of record and proceedings.

10. Place the matter after paper-book is filed, its verification for final hearing, as per its own turn.

CIVIL APPLICATION (F) NO.1950 of 2022.

11. By this application, the applicant/appellant is seeking stay to the effect, operation and execution of the impugned judgment passed by the Civil Judge Senior Division, Darwha in LAC No.23 of 2008. The appellant has already deposited the entire amount of compensation.

12. In view of that the effect, operation and execution of the impugned judgment be stayed, till final disposal of the appeal.

13. Civil Application No.1950 of 2022 is disposed of.

CIVIL APPLICATION (F) NO.638 OF 2023.

14. By this application, the claimant respondent No.1 is seeking permission for withdrawal of the amount.

15. As per the contention of the respondent No.1, his land is acquired by the Government, therefore he has no source of income. Now, his parents are suffering from serious ailment, and therefore, he needs amount of compensation.

16. Said application is opposed by the appellant – VIDC on the ground that the appellant has challenged the impugned judgment and award as amount of compensation awarded is excessive and exorbitant one.

17. In view of the reasons mentioned in the application and objection raised, it will be appropriate to permit the respondent No.1 to withdraw the 50% amount of the compensation on usual undertaking alongwith accrued interest. Registry shall disburse the 50% amount of the compensation alongwith accrued interest to the respondent No.1 on due verification and identification.

18. Civil Application No.638 of 2023 is disposed of.

JUDGE

TAMBE