



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

CIVIL APPLICATION NO.3407 OF 2019

IN

FIRST APPEAL ST. NO. 6447 OF 2019

V.I.D.C. Executive Engineer, Irrigation Dept. Wardha

.Vs.

Vasant s/o Vithoba Warghane and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri A.M. Kukdey, Advocate for the appellant.

Shri A.R. Ingole, Advocate for the respondent Nos.1 and 2.

Shri M.A. Kadu, AGP for respondent Nos. 3 and 4.

CORAM : G.A. SANAP, J.

DATE : 05/09/2023

Learned Advocate for the appellant submits that appellant has deposited the decretal amount with interest etc. on 10.02.2020. He has placed on record the communication with copy of cheque on record. It is marked as article 'A'.

2. In view of this, stay application is disposed of.

3. It is ordered that there shall be stay to the execution of judgment and award dated 16.09.2016 passed by the Joint Civil Judge, Senior Division, Wardha in L.A.C. No.18/2011 till final disposal of the appeal.

CIVIL APPLICATION NO.3406 OF 2019

1. This is an application for condonation of 820 days delay in filing an appeal against judgment and award

dated 16.09.2016 passed by the Joint Civil Judge, Senior Division, Wardha in L.A.C. No.18/2011. It is stated that applicant/appellant has good case on merits. It is further stated that due to administrative procedural ground delay has occurred. There was no proper communication which ultimately led to the delayed filing of the appeal.

4. I have heard learned Advocates for the parties. Perused the record and proceedings.

5. In my view, considering the reasons stated in the application delay can be condoned. However, the condonation of delay could not be without any condition to be imposed.

6. In the facts and circumstances and for the reasons stated in the application, application is allowed. The delay of 820 days is condoned subject to cost of Rs.5,000/- (Rs. Five Thousand Only). The cost be deposited to M/s the High Court Gazetted Officers Association, Nagpur within 15 days from today.

7. The application stands disposed of.

FIRST APPEAL ST. NO. 6447 OF 2019

1. Stand over after four weeks.

(G. A. SANAP, J.)