

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

**CIVIL APPLICATION (CAF) NO.3063 OF 2016**  
**IN**  
**FIRST APPEAL NO.7328 OF 2016 (STAMP)**

Executive Engineer, Lower Wardha Project Division, Wardha  
Vs.

Vikas Vigyanchand Jain and others

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

Court's or Judge's orders

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Shri. S. K. Bhoyar, Advocate for the appellant.  
Shri M. A. Kadu, AGP for respondent Nos.5 and 6.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 31/01/2023**

1. By this application, the applicant is seeking condonation of delay of 96 days which is caused in filing the appeal against the judgment and award passed by Civil Judge Senior Division, Wardha.
2. Though respondent Nos.1 to 4 are served, none present for them. The learned AGP Shri Kadu has no objection to condone the delay.
3. As per the contention of the applicant, the reference Court has granted enhance compensation amount which is exorbitant and excessive one, and therefore the applicant who is a statutory body has challenged the same. However, the applicant has to obtain the necessary approvals from its officials wherein the time was consumed, and therefore delay of 96 days was caused. The delay is not intentional one. There is

justifiable and reasonable cause for condonation of delay. Hence, delay be condoned.

4. In view of the reasons mentioned in the application, and considering that the applicant is a statutory body who has to obtain the necessary permissions before filing of the appeal.

5. In view of the above reasons mentioned in the application, delay of 96 days is condoned.

6. Civil Application No.3063 of 2016 is disposed of.

7. Appeal be registered.

**FIRST APPEAL NO. OF 2023**

1. **Admit.**

2. The learned AGP waives notice for respondent Nos.5 and 6.

3. Call for record and proceedings.

4. The applicant to file private paper-book within eight weeks. After receipt of the record and proceedings, stand over after eight weeks.

**Civil Application (CAF) No.3064/2016**

1. By this application, the applicant is seeking stay to the implementation, effect and execution of the impugned judgment passed by Civil Judge Senior Division, Wardha in Land Acquisition Case No.67 of 2007.

2. In view of the earlier order passed by this Court, the applicant has already deposited the entire

amount of compensation. As the entire amount of compensation is already deposited and the original applicant/respondent No.1 is already permitted to withdraw his share, the implementation, execution and operation of the judgment and award passed by Civil Judge Senior Division, Wardha in Land Acquisition Case No.67 of 2007 is stayed, till final disposal of the appeal.

3. Civil Application No.3064 of 2016 is disposed of

**(URMILA JOSHI-PHALKE, J.)**

Sarkate