

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

CIVIL APPLICATION (F) NO.1278 OF 2023

IN

FIRST APPEAL (ST) NO.3367 OF 2023

[Vidarbha Irrigation Development Corporation and Anr ..V/s.. Sachin
Shyamrao Ambatkar and Ors.]

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

Court's or Judge's order

Ms M. Babhulkar, Adv. h/f Mr M. A. Kadu, Advocate for Applicants/Appellants.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 28th APRIL, 2023.

. Application is for condonation of delay of 170 days, which is caused in preferring the appeal.

2. Learned Advocate Ms Kashikar holding for Mr P. M. Pande waives notice for respondent No.1. Ms T. H. Udeshi, learned Assistant Government Pleader waives notice for respondent Nos.2 and 3.

3. Application is filed on the ground that the appellant is a statutory body, who has to obtain the necessary approval before preferring the appeal. Wherein the time was consumed, and therefore, delay of 170 days is caused in preferring the appeal.

4. The said application is strongly opposed by the learned advocate for respondent no.1 on the ground that the delay is not properly explained. Learned AGP has no objection for condonation of delay.

5. Considering the ground mentioned in the application and considering the fact that the appellant who is statutory body has to obtain the necessary approval from its Higher Official, the

delay is caused.

6. In view of the above, the application is allowed and delay of 170 days is hereby condoned. Appeal be registered and numbered accordingly.

7. The civil application is disposed of.

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8. Heard.

9. **Admit.**

10. Call for Record and Proceedings.

11. Ms Kashikar holding for Mr P. M. Pande, learned Advocate waives notice for respondent No.1 and Ms T. H. Udeshi, learned AGP waives notice for respondent Nos.2 and 3.

12. Appellants to file the private paper-book within ten weeks, after receipt of record and proceedings.

13. Appeal be placed before the Court for final disposal, after filing of the paper-book and its verification, as per its own turn.

CIVIL APPLICATION (F) NO.1279 OF 2023.

14. By this application, the appellants are seeking stay to the effect, operation and execution of the impugned judgment and award passed by the Joint Civil Judge Senior Division, Yavatmal in L.A.C. No.241 of 2016 dated 06.04.2022.

15. On depositing the entire amount of compensation alongwith accrued interest within ten weeks, the effect, operation and execution of the impugned judgment and award dated 06.04.202 be stayed, till final disposal of the appeal.

16. On failure to deposit the compensation amount alongwith accrued interest within the above said period, the stay granted will be vacated automatically without further reference to Court.

17. The civil application is disposed of.

JUDGE.