

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

CIVIL APPLICATION NO. 1341 OF 2020 IN
FIRST APPEAL ST. NO.1478 OF 2020

Union of India vs. Shri Govind Marotrao Shankdarwar and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.A. Lambat, Advocate for the appellant.
Shri S.P. Pawar, Advocate h/f Shri J.R. Kidilay, Advocate for
respondent no. 1.
Ms. Udeshi, A.G.P. for respondent nos. 2 and 3.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 20, 2023.

Heard.

2. Present application is for condonation of delay of 251 days on the ground that the appeal is filed by the Railway against the judgment and award passed by the Joint Civil Judge, Senior Division, Wardha in L.A.C. No.30/2014.

3. The ground raised by the applicant is that the applicant has to obtain necessary approval before preferring the appeal from the higher officials wherein the time was consumed, and therefore, delay is caused.

4. Delay is not intentional one and it is for the sufficient reasons.

5. Shri Kidilay, learned Counsel for respondent No.1 and learned Assistant Government Pleader have no objection for condoning the delay.

6. In view of the reasons mentioned in the application, the delay is condoned. The application is allowed and disposed of. Appeal be registered.

FIRST APPEAL ST. NO.1478 OF 2020

Heard.

2. **ADMIT.**

3. Shri Kidilay, learned Counsel for respondent No.1 and learned Assistant Government Pleader for respondent Nos.2 and 3, waive notice.

4. Paper book is dispensed with.

5. Place the matter for final hearing after receipt of R. & P.

CIVIL APPLICATION NO.1177 OF 2023

Heard.

2. This is an application for seeking permission for withdrawal of the amount on the ground that the land of respondent No.1 is already acquired, and now, he is landless and he has no source of income for his livelihood. He has to undergo the medical treatment and therefore, he is in dire need of financial assistance.

3. Said application is strongly opposed by the learned Counsel Shri Lambat on the ground that the appellant has preferred the appeal as the award of compensation is excessive and exorbitant one.

4. In view of the reasons mentioned in the application and considering the objection raised, respondent No.1 is permitted to withdraw 75% of the amount along with accrued interest on usual undertaking on due identification and verification.

5. Civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*