

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

CIVIL APPLICATION (CAF) NO. 2393/2022
IN FIRST APPEAL STAMP NO 6987/2021

V.I.D.C., Awadhootwadi, Yavatmal And Another

Vs

Ramrao Chindhuji Ughade (Deceased) Thr. Lrs. Indubai Ramrao Ughade And Others

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

Court's or Judge's Order

Ms Mallika, Advocate h/f Shri M.A. Kadu, Advocate for the applicants/appellants

Ms Lakhani, Advocate for the respondent No.2.

Ms Shamshi Haider, AGP for the respondent Nos. 3 and 4.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/02/2023.

1. Heard.
2. By this application, appellants are seeking stay to the implementation and execution of the impugned judgment and award passed by the learned Joint Civil Judge, Senior Division, Yavatmal.
3. Ms Mallika, Advocate h/f Shri M.A. Kadu for the appellants submitted that principal amount has already been deposited in the reference Court.
4. On depositing the balance amount along with amount towards statutory benefits within ten weeks the implementation, execution and operation of the impugned judgment and award be stayed, till final disposal of the appeal.

5. On failure of depositing the amount, stay granted by the appellants will be vacated automatically without further reference to the Court.

Civil application No. 2393/2022 is disposed of.

CIVIL APPLICATION (CAF) NO. 2392/2022

By preferring this application, the appellants are seeking condonation of delay of 815 days in preferring the appeal.

2. As per the contention of the appellants, present appeal is preferred against the judgment and award passed by the learned Joint Civil Judge, Senior Division, Yavatmal in LAC No. 270/2007. The reference Court has awarded the compensation which is exorbitant and excessive one. The judgment was delivered on 22/09/2017. The respondent No.1 approached the office of the appellant and demanded enhanced amount of compensation, at the relevant time, appellants came to know about the impugned judgment is passed. Thereafter, he approached the advocate for applying the certified copies, thereafter, the proposal was sent. The said proposal is to be examined by the superior after obtaining the legal opinion and therefore, the delay of 815 days is caused in preferring the appeal.

3. Learned advocate for the respondent No.2 objected for the condonation of delay on the ground that the delay is not properly explained.

4. Ms Shamshi Haider, learned AGP for the respondent Nos. 3 and 4 has no objection for condonation of delay.
5. Heard both the sides. Perused the application.
6. In view of the reasons mentioned in the application, there is reasonable justifiable caused for condonation of delay. In view of that delay of 815 days is condoned.
7. Appeal be registered.

First Appeal St. No. 6987/2021

1. Call for record and proceedings.
2. After receipt of record and proceedings, appellant to file private paper book within a period of eight weeks.
3. Ms Lakhani, learned advocate waives service of notice on behalf of respondent No.2.
4. Ms Shamshi Haider, learned AGP waives service of notice on behalf of respondent No.3 and 4.
5. After private paper-book is filed so also after its verification place the matter for final hearing, as per its turn.

JUDGE