

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

CIVIL APPLICATION (CAF) NO. 1302/2023 IN
FIRST APPEAL ST. 7772/2023

VI.D.C., Through Its Executive Engineer, Bembla Project, Yavatmal And Others
Vs
Bhupesh Bhauraoji Warade 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 Babhular, advocate h/f Mr M.A. Kadu, advocate for
the appellants.

Mr S.V. Ingole, advocate for the respondent No.1.

Ms T.H. Udeshi, AGP for the respondent Nos. 2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 02/05/2023.

1. Heard.
2. The present application is filed for condonation of delay.
3. Mr S.V. Ingole, learned advocate waive service of notice on behalf of respondent No.1.
4. Ms T.H. Udeshi, learned AGP waives service of notice on behalf of respondent Nos. 2 and 3.
5. The present appeal is preferred against the judgment and award passed by the 2nd Joint Civil Judge, Senior Division, Yavatmal in LAC No. 44/2021. The ground mentioned in the application is that the appellants are the statutory body, they have to obtain the necessary approvals

from the higher officials, wherein the time was consumed and delay is caused in preferring the appeal.

6. The said application is strongly opposed by the learned advocate for the respondent No.1 on the ground that delay is not properly explained.

7. Learned AGP for respondent Nos. 2 and 3 has no objection for condonation of delay. Considering the ground mentioned in the application that approval was not received in time which appears to be just and reasonable ground, therefore delay deserves to be condoned.

Civil application is disposed of.

First Appeal St. No. 7772/2023

1. Appeal be registered.
2. **Admit.**
3. Mr S.V.Ingole, learned advocate waives service of notice on behalf of respondent No. 1.
4. Ms T.H. Udeshi, learned AGP waives service of notice on behalf of respondent Nos. 2 and 3.
5. Call for record and proceedings.
6. Appellants to file private paper-book within a period of ten weeks after receipt of record and proceedings.
7. Appeal be placed before the Court after filing of private paper-book and its verification as per its own turn.

Civil Application (CAF) No. 1303/2023

1. The present application is filed for stay to the effect, operation, execution of the impugned judgment and award dated 18/06/2022 passed by the 2nd Joint Civil Judge, Senior Division, Yavatmal in LAC No. 44/2021.
2. On depositing the entire amount of compensation along with accrued interest within ten weeks, the effect, operation and implementation of the impugned judgment be stayed till final disposal of the appeal.
3. On failure to deposit the entire amount within above said period, the stay granted will be vacated without further reference to the Court.

Civil Application is disposed of.

JUDGE