

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

CIVIL APPLICATION (CAF) NO.1343 OF 2023

IN
FIRST APPEAL NO.260 OF 2021

Union of India, through General Manager, Central Railway, CST, Mumbai

Vs.

Devidas Narayan Sathone and others

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

Court's or Judge's orders

Mr. Nitin P Lambat, Advocate for appellant.

Mr. Jitendra R. Kidilay, Advocate for respondent No.1.

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

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 03/05/2023

1. The application is for setting aside the order of the Registrar (Judicial) of dismissal of the appeal against the respondent No.1.

2. Learned Advocate Mr. Kidilay, waives notice for respondent No.1.

3. Learned AGP Ms. T. Udeshi, waives notice for respondent Nos.2 and 3.

4. The appeal is dismissed as no steps are taken against the respondent No.1. It is submitted by the learned Advocate Mr. Lambat for the appellant that inadvertently the objection was not noted and, therefore, copy was not supplied. The order passed by the Registrar was also not noted by the learned counsel and, therefore, the application was not filed within time.

Hence, delay is caused. Delay is not intentional one.

5. Learned Advocate for the respondent No.1 has no objection. Learned AGP for the respondent Nos.2 and 3 also has no objection for condonation of delay application.

6. In view of the reasons mentioned in the application and considering liberal approach is required to do the substantial justice. Delay of 22 days is condoned.

7. Civil application is disposed of.

Civil Application (CAF) No.1341/2023

1. For the reasons mentioned in the application, the appeal is restored against the respondent No.1 at its original stage.

2. Civil Application is disposed of.

Civil Application (CAF) No.1203/2023

1. Heard.

2. This is an application for seeking permission for withdrawal of the amount on the ground that land of respondent No.1 is already acquired and now he is landless and he has no source of income for his livelihood. The respondent No.1 is suffering from financial difficulties and he has to incur the expenses towards his medical treatment.

3. The said application is strongly opposed by the learned Advocate Mr. Lambat for the appellant 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 the accrued interest on usual undertaking on due identification and verification.

5. Civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate