

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

CIVIL APPLICATION (CAF) NO. 704/2023 IN
FIRST APPEAL ST. NO. 9097/2020

Vidc Thr. Exe. Engineer, Nimn Painganga Proj. Division (Bembla Proj.), Yavatmal

Vs

Ramchandra Janardhan Samratwar And Others

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

Court's or Judge's Order

Mr H.D.Marathe, advocate for the appellant.

Mr D.R.Bhojar, advocate for the respondent No.1./applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/03/2023.

1. Learned advocate for the respondent No.1 seeks liberty to correct the prayer clause.
2. Liberty is granted to correct the prayer clause forth-with.
3. By this application, the applicant/respondent No.1 is seeking permission to withdraw the amount.
4. As per contention of the respondent No.1 who is a poor small farmer, who presently going to the financial crises as his land has already acquired by the Government. The appellant has already deposited the amount of compensation. Hence, he be permitted to withdraw the amount of compensation.
5. The said application is opposed by Mr H.D. Marathe, learned advocate for the respondent No.1, on the ground that

the reference Court has awarded the compensation which is exorbitant one and therefore, application deserves to be rejected.

6. Heard both the sides. Perused the application.

7. In view of the reasons mentioned in the application and by considering the objection raised by the appellant, it will be just and proper to permit the respondent No.1 to withdraw the 50% amount of compensation along with accrued interest on usual undertaking.

8. In view of that, respondent No.1 is permitted to withdraw 50% of the amount along with accrued interest on usual undertaking. Amount be disbursed on due identification and verification.

Civil Application is disposed of.

Civil Application No. 2301/2021

1. By this application, appellant is seeking stay to the effect, operation and execution of the impugned judgment and decree dated 04/10/2019 passed by the 3rd Joint Civil Judge, Senior Division, Yavatmal in L.A.C. No. 506/2016.

2. The amount is already deposited and the respondent No.1 is already permitted to withdraw 50% of the amount. In view of that, the effect, operation and execution of the impugned judgment and award passed by the 3rd Joint Civil Judge, Senior Division, Yavatmal in LAC No. 506/2016, dated 04/10/2019 be stayed, till final disposal of the appeal.

Civil Application (CAF) No. 2301/2021 is disposed of.

CIVIL APPLICATION (CAF) NO. 2300/2021

1. This application is for condonation of delay which is caused in preferring the appeal.
2. As per the submission of Mr H.D. Marathe, learned advocate for the applicant/appellant submitted that appellant is a statutory body and its officials have to obtain the approval from the higher officials, wherein usual the time consume and therefore, delay is caused. Delay is not intentional one.
3. Admittedly, the appellant is statutory body who has to obtain the necessary approval. Thus, the reason mentioned in the application appears to be just and reasonable one. In view of the reasons mentioned in the application, delay of 253 days in filing the appeal is condoned.
4. Civil Application No. 2300/2021 is disposed of.

First Appeal St. No.9097/2020

1. Appeal be registered.
2. **Admit**
3. Call for record and proceedings.
4. Appellant to file private paper-book within a period of eight weeks after receipt of record and proceedings.

5. Place the matter for final hearing after filing of private paper-book and its verification, as per its own turn.

JUDGE