

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

CIVIL APPLICATION (CAF) NO. 251/2021 IN
FIRST APPEAL STAMP NO.9214/2020

Exe. Engineer, Medium Irrigation Project (Now Exe. Engineer,
 Project Construction Div. Yavatmal)

Vs

Panjab Narayan Tarte And 2 Others

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

Court's or Judge's Order

Mr Vinay Rathi, Adv h/f Mr P.B. Patil, Advocate for the appellant.
 Mr M.A.Kadu, AGP for the respondent Nos. 2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/02/2023.

1. Heard.
2. By this application, the appellant has preferred for condonation of delay which is caused in preferring the appeal.
3. As per the contention of the appellant, appellant has challenged the award passed by the reference Court in LAC No. 11/2010 dated 22/10/2019.
4. As per the contention of the appellant, the appellant received copy of the award on 11/12/2019. Thereafter, he has to obtain the necessary approvals from the higher officials, wherein the time was consumed and therefore, there is a delay of 247 days.
5. None appeared for the respondent No.1.

6. Mr M.A. Kadu, learned AGP submitted that, he has no objection for the condonation of delay.

7. In view of the reasons mentioned in the application and considering that the appellant which is statutory body has to obtain the necessary approval from the higher officials, wherein the time was consumed in view of that delay of 247 days is condoned.

Civil application No. 251/2021 is disposed.

First Appeal Stamp No. 9214/2020

1. Appeal be registered.
2. Issue notice for final disposal to the respondent No.1.
3. Mr M.A.Kadu, learned AGP waives service of notice on behalf of respondent Nos. 2 and 3.
4. Call for record and proceedings.
5. Appellant to file private paper-book within a period of ten weeks after receipt of record and proceedings.
6. Place the matter before the Court after filing of the private paper book, its verification and service of notice to the respondent No.1 as per its own turn on final hearing board.

Civil Application No. 252/2021

By this application, the appellant is seeking stay to the effect, operation and execution of the award passed by the learned Civil Judge, Senior Division, Darwha in LAC No. 11/2010.

2. On depositing the amount of compensation along with all statutory benefits and accrued interest within four weeks, the effect operation and execution of the award passed by the Civil Judge, Senior Division Darwha be stayed till final disposal of the appeal.
3. On failure to deposit the amount, stay granted will be vacated automatically without further reference to the Court.

Civil application No. 252/2021 is disposed of.

JUDGE