

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CAF NO.1332/2022 IN FA ST.NO.13224/2019
Executive Engineer, Minor Irrigation Division, Wardha

..VS..

Laxman Jairam Fating and ors

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

Court's or Judge's Order

Shri Amit Kukday, Counsel for the Applicant.

None for NA No.1.

Mrs.Shamsi Haider, AGP for NA Nos.2 & 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 09/02/2023

1. By preferring this application, the applicant is seeking condonation of delay of 368 days caused in preferring the first appeal.
2. Non-applicants are served.
3. Learned Assistant Government Pleader Mrs.Shamsi Haider appears for non-applicant Nos.2 and 3. None appears for non-applicant No.1.
4. As per contentions of the applicant, the applicant is statutory body who has to obtain necessary approvals and permission from higher officials before filing appeal and, therefore, the delay is caused.
5. Learned Assistant Government Pleader for non-applicant Nos.2 and 3 has no objection if the delay is condoned.
6. The application is not contested by non-applicant No.1.
7. Heard and perused the application.
8. It is apparent that the applicant who is statutory body has to take necessary permission from higher officials and, therefore, the delay is caused. Reasons mentioned in the application appear to be just and reasonable.
9. For reasons stated in the application, the application is

allowed. The delay stands condoned. Office to register the first appeal.

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1. Heard.
2. **Admit.**
3. Record and proceedings be called for.
4. The appellant to file paper book.
5. Learned Assistant Government Pleader Mrs.Shamsi Haider waives service for respondent Nos.2 and 3.
6. Place the appeal for its final hearing after record and proceedings are received.

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1. Learned counsel for the appellant submits the amount has already been deposited.
2. In view of the statement above, there shall be **stay** to effect and operation of judgment and award dated 2.4.2018 passed by learned Civil Judge Senior Division at Wardha in LAC No.96/2012, till disposal of the appeal.
3. The application is disposed.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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