

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

CAF NO.3599/2019 IN FA ST.NO.10732/2019

**VIDC, thr.its Executive Engineer, Irrigation Division Bembla Project Yavatmal,
Yavatmal**

..VS..

Ramesh Kisan Pawar and ors

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

Court's or Judge's Order

.....
Shri M.A.Kadu, Counsel for the Applicant.
Ms Trupti Mahindrakar, Counsel for NA No.1.
Ms T.H.Udeshi, AGP for NA Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 30/01/2023

1. By this application, the applicant/VIDC seeks condonation of delay of 814 days caused in filing the appeal against judgment and award passed by learned Judge below.

2. As per contentions of the applicant, the Reference Court awarded compensation amount which is exorbitant. Being aggrieved with the same award, the applicant has preferred this appeal. It is further submitted that by judgment dated 10.11.2016, the Reference Court has awarded enhanced amount of compensation and, thereafter, a miscellaneous civil application was filed for correcting survey number which was incorrectly mentioned in the operative part of the judgment and award. The said miscellaneous civil application was disposed of on 22.10.2018. Thereafter, amendment was carried out by specifying correct area and correct survey number. Thereafter, the applicant applied for certified copy. The applicant has received the certified copy and, thereafter, the appeal is filed and the delay of 814 days is caused. It is further submitted that the applicant has to

obtain necessary approvals from the higher officials and the same is also one of reasons for the delay. It is submitted that as the delay is reasonable one, the same be condoned.

3. The application is strongly opposed by learned counsel for non-applicants on the ground that delay is deliberate one and the delay is not explained properly and hence the application deserves to be rejected.

4. Perused the application. It is apparent that incorrect survey number was mentioned in the operative part of the judgment and award which was corrected after the judgment and award was passed on 22.10.2018. Thereafter, the applicant applied for certified copy. The applicant received the certified copy on 12.12.2018. From the operative part also, it is apparent that correction is carried out on 3.12.2018 and, thereafter, certified copy was issued to the applicant. The another reason mentioned also appears to be justifiable one.

5. In this view of the matter, for reasons mentioned in the application, the application is **allowed**. The delay stands condoned. Office to register the first appeal.

6. The civil application is **disposed** of.

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1. Heard.
2. **Admit.**
3. Record and proceedings be called for.
4. Learned counsel Ms Trupti Mahindrakar waives service

for respondent No.1 and learned Assistant Government Pleader waives service for respondent Nos.2 and 3.

5. The paper book be filed within a period of eight weeks after receipt of the record and proceedings.

CAF No.3600/2019

1. Since it is submission of learned counsel for the appellant that entire compensation has already been deposited, there shall be **Stay** to the effect and operation of judgment and award dated 10.11.2016 passed by learned 3rd Joint Civil Judge Senior Division, Yavatmal in LAC No.307/2012, till disposal of the appeal.

2. The civil application is **disposed** of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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