

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

FIRST APPEAL NO. 1078 OF 2017

Maharashtra Industrial Development Corporation
..VS..
Khurshid Hussain Hamjabhai and Others

WITH

CIVIL APPLICATION (CAF) NO. 3147 OF 2015

Maharashtra Industrial Development Corporation
..VS..
Asian Explosive 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. Parth Sagdeo, Advocate h/f. Mr. M.M. Agnihotri, Advocate for appellant.

Mr. S.C. Mehadia, Advocate for respondent Nos.1 and 2 in FA. No.1078/2017 and respondent Nos.1 to 7 in CAF No.3147/2015.

Mr. M.A. Kadu, AGP for respondent No.7 in FA. No.1078/2017 and respondent No.8 in CAF No.3147/2015.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : APRIL 13, 2023

Mr. Mehadia, learned Advocate for the respondent Nos.1 and 2 submitted that since filing of the Appeal, the appellant has not deposited the amount. This Court has observed that in another matter also the appellant has not deposited the amount and, therefore, they are directed to remain present before this Court. Since last six years the appellant has not deposited the amount.

2. In the above circumstances, the appellant is directed to deposit the amount within a period of two weeks. On failure to deposit the amount

within two weeks, the appropriate order shall be passed against the appellant.

3. Stand over after two weeks.

CIVIL APPLICATION (CAF) NO. 3147 OF 2015

Present application is for seeking condonation of delay of 349 days which is caused in preferring the Appeal. The grounds raised by the applicant is that after passing of the judgment by the reference Court, they have applied for certified copies. After obtaining the certified copies, they have moved the Head Office for obtaining a necessary approval. As the approval was not received from the Head Office within time therefore, delay is caused in preferring the Appeal. Delay is for just and reasonable cause hence, it be condoned.

2. Mr. Mehhadia, learned Advocate has raised objection on the ground that delay is not properly explained and prayed for rejection of the application.

3. Learned A.G.P for respondent No.8 has no objection for condonation of delay.

4. The ground mention is that due to the approval is not granted within time, the delay is caused which appears to be just and reasonable cause for condonation of delay. Moreover, it is well settled that while

considering the delay condonation application, the liberal approach is to be taken to do substantial justice.

5. In view of that the application is allowed the delay is condoned.

6. Appeal be registered.

FIRST APPEAL (ST.) 17091 OF 2015

Admit.

2. Learned Advocate Mr. S.C. Mehadia, waives notice for respondent Nos.1 to 7 and learned A.G.P. waive notice for respondent No.8.

3. Call for Record and Proceedings.

4. Appellant to file paper book within a period of eight weeks after receipt of the record and proceeding.

5. Appeal be placed before the Court after filing of the paper book, its verification as per its own turn.

CIVIL APPLICATION (CAF) NO. 3148 OF 2015

Present application is for seeking stay to the effect, operation, implement and execution of the impugned judgment and award passed in L.A.C. No. 74/1998 passed by Civil Judge, Senior Division, Akola.

2. On depositing the entire amount of compensation along with accrued interest within a period of four weeks, the implementation, execution and operation of the impugned judgment and award be stayed till final disposal of the appeal. On failure to deposit the amount within above said period, the stay granted will be vacated automatically without reference to the Court.

(URMILA JOSHI-PHALKE, J.)

Kirtak