

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

CIVIL APPLICATION (F) NO.1799 OF 2016

IN

FIRST APPEAL (ST.) NO.17143 OF 2015

[Maharashtra Industrial Development Corporation ..V/s.. Ismailbhai
Gulam Hussain and Anr.]

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

Court's or Judge's order

Mr M. M. Agnihotri, Advocate for Applicant/Appellant.
Mr S. C. Mehadia, Advocate for LR's of Respondent No.1.
Ms T. H. Udeshi, AGP for Respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 10th APRIL, 2023.

1. This is an application for seeking condonation of delay of 350 days, which is caused in preferring the appeal.

2. As per the contention of the appellant – M.I.D.C. that the Head Office is situated at Mumbai and appellant has to take necessary approvals from its superior officials, wherein the time was consumed, and therefore, the delay of 350 days is caused.

3. The said application is strongly opposed by Mr Mehadia, learned Advocate appearing for respondent No.1 on the ground that the delay is not properly explained.

4. Heard both the sides. Perused the application. Considering the well settled law that while considering the application for condonation of delay, liberal approach is to be taken to do substantial justice.

5. In view of the above, delay is condoned. Appeal be registered. The civil application is disposed of accordingly.

CIVIL APPLICATION (F) NO.1800 OF 2016.

6. The application is for the stay to the effect, operation, implementation and execution of the impugned judgment and award passed by the Reference Court in LAC No.70 of 1998.

7. On depositing the entire amount of compensation alongwith accrued interest within ten weeks, the effect, operation, implementation and execution of the impugned judgment and award passed by the Reference Court in LAC No.70 of 1998 be stayed, till final disposal of the appeal.

8. On failure to deposit the entire amount of compensation alongwith accrued interest, the stay granted will be vacated without further reference to the Court.

9. The civil application is disposed of.

FIRST APPEAL (ST.) NO.17143 OF 2015.

10. **Admit.**

11. Call for Record and Proceedings.

12. Appellant to file the private paper-book within ten weeks after receipt of the record and proceedings.

13. Mr Mehadia, learned Advocate waives notice on behalf of respondent No.1 and learned Assistant Government Pleader waives notice on behalf of respondent No.2.

14. Place the matter before the Court after filing of the private paper-book, its verification, as per its own turn.

JUDGE