

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

CIVIL APPLICATION (CAF) NO.4484 OF 2019
IN
FIRST APPEAL STAMP NO.17561 OF 2019

Chief Executive Engineer, Madhyam Prkalpa, Yavatmal
Vs.
Namdeo Devisingh Chavhan 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. M. A. Kadu, Advocate h/f Ms. Ira P. Khisti, Advocate for appellant.
Mr. S. V. Ingole, Advocate for respondent Nos.1a to 1g.
Ms. T. H. Udeshi, AGP for respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/04/2023

1. Present application is seeking condonation of delay which is caused in preferring the appeal.
2. As per contention of the appellant, the appellant is a statutory body who has to obtain the necessary approvals before preferring the appeal. After obtaining the certified copy appellant has forwarded the documents to the higher officials for obtaining the approval, however, approval was not received within time and, therefore, delay of 611 days is caused in preferring the appeal.
3. The said application is strongly opposed by learned Advocate Mr. Ingole for the respondent Nos.1a to 1g on the ground that delay is not properly explained.

4. Learned AGP Ms. Udeshi, has no objection for condonation of delay.

5. Considering that appellant is a statutory body who has to obtain necessary approval and said approval is not received within time and, therefore, delay appears to be just and reasonable cause for condonation of delay. In view of that, delay is condoned.

6. Appeal be registered

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1. Heard.

2. **Admit.**

3. Learned Advocate Mr. Ingole waives notice for respondent Nos.1a to 1g.

4. Learned AGP Ms. Udeshi, waives notice for respondent Nos.2 and 3

5. Call for record and proceedings.

6. Appellant to file paper book within ten weeks, after receipt of the record and proceedings.

7. Appeal be placed before the Court after filing of the paper book, its verification.

Civil Application (CAF) No.4485/2019

1. By this application, the appellant is seeking stay to the effect, operation, implementation and execution of the impugned Judgment and Award passed in Land Acquisition Case No.53/2010 dated 11.04.2017 by the Civil Judge Senior Division, Darwha.

2. Learned Advocate Mr. Kadu for the appellant submitted that amount of compensation is already deposited and the respondent have already withdrawn the same.

3. In view of that, the effect, operation, implementation and execution of the impugned Judgment and award passed by the Civil Judge Senior Division, Darwha in Land Acquisition Case No.53/2010 is stayed till final disposal of the appeal.

4. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate