

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

CIVIL APPLICATION (CAF) NO.4524 OF 2019
IN
FIRST APPEAL STAMP NO.20194 OF 2018

Vidarbha Irrigation Development Corporation Through Executive Engineer and
another

Vs.

Sanjay Gunwant Dhumane and others

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

Court's or Judge's orders

Mrs. Anjali Arvind Joshi, Advocate for appellants.
Mr. M. A. Kadu, AGP for respondent Nos.2 and 3.

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

1. This application is for condonation of delay in preferring the appeal on the ground that appellant is a statutory body who has to obtain the necessary approvals from the higher officials, as the approval was not received within time, therefore, delay of 144 days is caused in preferring the appeal.

2. Notices are served on the respondents and respondent No.1 is represented by the learned Counsel who is absent today. Learned AGP has no objection for condonation of delay.

3. In view of the reasons mentioned in the application and considering that appellants have to obtain the approvals before filing of the paper book which appears to be just and reasonable one. Delay

deserves to be condoned. In view of that, civil application is disposed of and delay is condoned.

4. Appeal be registered.

Civil Application (CAF) No.4525/2019

1. By this application, appellants are seeking stay to the effect, operation, implementation and execution of the impugned Judgment and Award passed in Land Acquisition Case No.409/2012 passed by the Joint Civil Judge Senior Division, Yavatmal dated 13.11.2017.

2. Learned Advocate Mrs. Anjali Joshi for the appellants submitted that principal amount is already deposited before the Reference Court.

3. On depositing the remaining amount of compensation along with accrued interest within ten weeks, the effect, operation and implementation and execution of the impugned Judgment and Award passed by the Joint Civil Judge Senior Division, Yavatmal in Land Acquisition Case No.409/2012, is stayed till final disposal of the appeal.

4. On failure to deposit the amount within above said period, the stay granted will be vacated automatically without further reference to the Court.

5. Civil application is disposed of.

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1. Heard.
2. **Admit.**
3. Learned AGP Mr. Kadu, waives notice for respondent Nos.2 and 3.
4. Call for record and proceedings.
5. Appellants to file paper book within ten weeks after receipt of the appeal.
6. Appeal be placed after filing of the paper book, its verification, as per its own turn.

(URMILA JOSHI-PHALKE, J.)

Sarkate