

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

CIVIL APPLICATION (CAF) NO.2558 OF 2022

IN

FIRST APPEAL STAMP NO.18672 OF 2022

Vidarbha Irrigation Development Corporation, through its Executive Engineer,
Amravati and another

Vs.

Ashok s/o Tryambakrao Deshmukh 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 for appellants.

Mr. P. S. Tembhare, Advocate for respondent Nos.1 and 2.

Ms. T. Udeshi, AGP for respondent Nos.3 and 4.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 14/02/2023

1. By preferring this application, appellant/VIDC is seeking condonation of delay of 47 days which is caused in filing the appeal against the Judgment and Award dated 19.5.2022 in Case No.1149/AMT/AMT/2018 passed by the Presiding Officer, Land Acquisition, Resettlement and Rehabilitation Authority, Nagpur.

2. As per the contention of the appellant, the award passed by the Authority is excessive and exorbitant one therefore, appellant has challenged the said award however, delay is caused in preferring the appeal. It is further contended that as appellant is statutory body has to obtain the necessary approvals from the higher officials wherein time was consumed

and delay is caused. Delay is not intentional one. There is justifiable reasons for condonation of delay.

3. Learned Advocate Mr. Tembhare appearing for respondent Nos.1 and 2 has raised objection on the ground that reasons mentioned in the application are not justifiable one and hence application deserves to be rejected.

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

5. Perused the application and reasons mentioned in the application, it is apparent that appellant is a statutory body and before filing the appeal it has to obtain the legal opinion, and thereafter approvals from the higher official. Thus, reasons mentioned in the application, is justifiable one.

6. In view of that delay of 47 days is condoned.

7. The First Appeal be registered.

8. Civil Application is disposed of.

FIRST APPEAL STAMP NO.18672 OF 2022

1. Heard.

2. **Admit.**

3. Learned Advocate Mr. Tembhare waives notice for respondent Nos.1 and 2.

4. Ms. T. Udeshi, learned AGP waives notice for respondent Nos.3 and 4.

5. Call for record and proceedings.

6. Appellants to file paper-book within eight weeks, after receipt of the record and proceedings.

7. The appeal be placed for final hearing as per its turn.
8. Office objections, if any be removed.

Civil Application (CAF) NO.2559 of 2022

1. By earlier order dated 17.01.2023, appellants were directed to deposit the amount within eight weeks. The appellants have not deposited the amount.
2. On depositing the amount within six weeks, the earlier stay granted is extended till next date. On failure to deposit the same, stay will be vacated without further reference to the Court.
3. The Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate