

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

CIVIL APPLICATION (CAF) NO.1081 OF 2022
IN
FIRST APPEAL STAMP NO.20738 OF 2018

Executive Engineer Vidharbha Irrigation Development Corporation, Nagpur

Vs.

Rama Hanwati Kachre and others

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

Court's or Judge's orders

Ms. Ashwini S. Athalye, Advocate h/f Ms. I. P. Khisti, Advocate for the appellant.
Mr. A. S. Moon, Advocate for respondent Nos.1 and 2.
Ms. T. Udeshi, AGP for respondent Nos.3 and 4.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/01/2023

1. By this application, original claimants are seeking permission to withdraw the amount on the ground that the respondent Nos. 1 and 2 have lost their income source and they are in need of the amount for their day to day expenses. Hence, they may be permitted to withdraw the amount.

2. Said application is opposed by the appellant on the ground that the reference Court has awarded the exorbitant amount of compensation.

3. Heard both sides.

4. Considering the reasons mentioned in the application, it would be in the interest of justice to allow the respondent Nos.1 and 2 to withdraw 50% of amount on usual undertaking.

5. The amount be disbursed on due verification and identification.

6. Civil Application No.1081 of 2022 is disposed of.

Civil Application (CAF) No.1518 of 2019

1. By this application, the appellant is seeking stay to the execution of impugned judgment and award passed by the Joint Civil Judge Senior Division, Yavatmal in Land Acquisition Case No.453 of 2012.

2. In view of the order passed by this Court on 4.4.2019, the appellant has already deposited the amount in this Court. In view of that the execution, implementation and operation of the award passed by Civil Judge Senior Division, Yavtmal in Land Acquisition Case No.453 of 2012 is stayed, till final disposal of the appeal.

3. Civil Application is disposed of.

Civil Application (CAF) No.1517 of 2019

1. By this application, the appellant is seeking condonation of delay of 199 days.

2. The learned Advocate Mr. A. S. Moon waives notice for respondent Nos.1 and 2.

3. The learned AGP waives notice for respondent Nos.3 and 4.

4. It is contended by learned Advocate

Ms. Athalye holding for Ms. Khisti, learned Advocate for the appellant that delay is caused as the appellant has to seek necessary approvals before filing of the appeal, wherein the time was consumed. A delay is not intentional one and there is reasonable and justifiable cause for condonation of delay.

5. The learned Advocate for the respondent Nos.1 and 2 raised objections on the ground that the reasonable and justifiable reasons are not given for condonation of delay.

6. Heard both sides.

7. Perused the application.

8. In view of the reasons mentioned in the application that appellant has to seek necessary approvals from higher officials, the reason mentioned in the application appears to be justified one.

9. In view of that application deserves to be allowed.

10. Civil Application No.1517 of 2019 is allowed.

11. The delay of 199 days is condoned.

12. Appeal be registered.

FIRST APPEAL NO. _____ OF _____

1. **Admit.**

2. The learned Advocate Mr. A. S. Moon waives notice for respondent Nos.1 and 2.

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3. The learned AGP waives notice for respondent Nos.3 and 4.

4. Call for Record and Proceedings.

5. Appellant to file private paper-book within eight weeks. After receipt of the record and proceedings, stand over after eight weeks.

(URMILA JOSHI-PHALKE, J.)

Sarkate