

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

CAF NO.3098/2019 AND FA ST.NO.26391/2018
VIDC, thr.its Executive Engineer, Bembla Irrigation Division, Yavatmal

..VS..

Santosh Chindhuji Khakare and ors

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

Court's or Judge's Order

.....
Mrs.A.S.Athalye, Counsel for the Applicant.
Srhi S.V.Ingole, Counsel for NA No.1.
Ms T.H.Udeshi, AGP for NA Nos.2 & 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 16/01/2023

1. This is an application for condonation of delay in filing a first appeal. Delay is of 147 days.
2. By order dated 27.8.2021, the Registry was directed to release excess amount of compensation deposited by the applicant. However, some objections are raised by the Registry.
3. Learned counsel Mrs.A.S.Athalye for the applicant submits that now objections raised are removed by the applicant.
4. Office note also shows that objections are removed.
5. In view of earlier order, excess amount of compensatyion be refunded to the Authorized Officer of the application on production of his due identification for the satisfaction of the Registry.
6. As per contention of the applicant, the applicant is a statutory body and necessary permission was required to be obtained before filing of the first appeal and, therefore, the delay is caused. The delay is not intentional one.
7. Learned counsel Shri S.V.Ingole for non-applicant No.1 and learned Assistant Government Pleader Ms T.H.Udeshi for non-applicant Nos.2 and 3 have no objection for condonation of delay.
8. For reasons stated in the application, the application is allowed. The delay stands condoned. Office to register the first appeal. Record and proceedings be called for. The applicant to file

private paper book within a period of six weeks after receipt of the record and proceedings.

9. The civil application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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