

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 280 OF 2020
WITH
INTERIM APPLICATION NO. 281 OF 2020
IN
FIRST APPEAL (ST) NO. 479 OF 2020**

Executive Engineer, Nandur Madhyameshwar
Project

**...Applicant/
Appellant**

Versus

Deoram Pandurang Shelar (Deceased) through
LR Vilas Laxman Shelar & Ors.

...Respondents

**Ms. Chaitrali Deshmukh, for the Appellant/Applicant.
Ms. Tanaya Goswami, AGP, for the Respondent-State.**

**CORAM Dr. Neela Gokhale, J.
DATED: 11th January 2024**

PC:-

1. The application seeks condonation of delay of 2 years and 49 days in preferring the First Appeal against the judgement and award dated 22nd August 2017 passed by the learned Civil Judge, Senior Division, Nashik in Land Reference No. 228 of 2010.

2. Issue notice to the Respondents returnable within four weeks. The Applicant/Appellant is at liberty to serve a copy of the notice on the Respondents privately through all permissible means of communication.
3. Ms. Chaitrali Deshmukh, learned Counsel for the Appellant/Applicant undertakes to file an affidavit of service on or before the next date.
4. The learned Counsel for the Appellant/Applicant draws my attention to paragraph No. 5 of the application, where she has explained in detail the reasons for delay commencing from the date of passing of judgment, award till the First Appeal was eventually preferred and the steps taken by the official of State in processing the matter. The enhanced compensation is of Rs. 4,21,308/- in the Land Reference along with the interest at the rate of 9% per annum from the date of award and 15% per annum till realization of the amount.
5. From the averments in the application as well as the submissions made by Ms. Chaitrali Deshmukh, learned Counsel for the Appellant/Applicant, I am satisfied that there is just and fair cause made out for condoning the delay in preferring the First Appeal.
6. The delay is condoned. Interim Application No. 280 of 2020 stands allowed subject to the Appellant/Applicant depositing the decretal amount in the referral Court at Nashik within a period of

twelve weeks from today. The accrued interest from today till the date of depositing the amount is also directed to be paid by Appellant/Applicant. Accordingly the First Appeal is directed to be registered.

7. Upon depositing the amount by the Appellant/Applicant within a stipulated time, interim relief in terms of prayer clause (b) of Interim Application No. 281 of 2020 is granted during the pendency of First Appeal. The prayer clause (b) reads thus,

“b) Pending the hearing and final disposal of the present appeal this Hon’ble Court be pleased to stay the effect, operation and implementation of the judgement and award dated 22nd August 2017 passed in Land Reference No. 228 of 2017 by the learned Civil Judge, Senior Division, Nashik.”

8. Both the applications stand disposed accordingly.

(Dr. Neela Gokhale, J.)

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