

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 16582 OF 2022
WITH
INTERIM APPLICATION NO. 16583 OF 2022
IN
FIRST APPEAL (ST) NO. 11805 OF 2021**

Executive Engineer, Nandur Madhyameshwar
Project, Division Nashik

...Applicant

In the Matter Between :

Executive Engineer, Nandur Madhyameshwar
Project, Division Nashik

...Appellant

Versus

Waman Dhondiram Gowardhane & Anr.

...Respondents

Ms. Chaitrali Deshmukh, *for the Applicant/Appellant.*

Ms. Tanaya Goswami, AGP, *for the Respondent-State.*

CORAM Dr. Neela Gokhale, J.

DATED: 10th January 2024

PC:-

1. The Applicant/Appellant seeks condonation of delay of 2 years and 277 days in preferring the First Appeal against the judgment and award dated 13th June 2018 passed by the Civil Judge, Senior Division, Nashik in Land Reference No. 334 of 2017.

2. Ms. Chaitrali Deshmukh, learned Counsel for the Applicant/Appellant says that paragraph No. 5 of the application contains detail explanation for the delay commencing from the date

of passing of judgment and award till the First Appeal was eventually preferred.

3. The explanation given by the Applicant/Appellant in the application indicates sufficient cause in respect of the delay in preferring the present First Appeal. The explanation is satisfactory and acceptable.

4. In the circumstances, the delay is condoned and Interim Application No. 16582 of 2022 is allowed subject to the Applicant/Appellant depositing the decretal amount in the referral Court within a period of eight weeks from today. Interim Application No. 16583 of 2022 stands disposed accordingly.

5. Ms. Chaitrali Deshmukh, learned Counsel for the Applicant/Appellant says that there are three more connected First Appeals in respect of the same project, but they are not listed today and the same may also be listed together with the present matter.

6. Upon request of the learned Counsel for Applicant/Appellant, list the matter alongwith First Appeal (St) No. 9769 of 2021, First Appeal (St) No. 12996 of 2021 and First Appeal (St) No. 9174 of 2021 with all Civil Applications.

(Dr. Neela Gokhale, J.)

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