

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO. 12996 OF 2021
WITH
INTERIM APPLICATION NO. 16580 OF 2022
WITH
INTERIM APPLICATION NO. 16581 OF 2022**

Executive Engineer, Nandur Madhyameshwar
Project, Division Nashik

**...Appellant/
Applicant**

Versus

Khandu Nivrutti Gowardhane & Ors.

...Respondents

Ms. Chaitrali Deshmukh, *for the Appellant/Applicant.*
Mr. Sachin Gite, *for Respondent No. 1.*
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 286 days in preferring the First Appeal against the judgement and award dated 13th June 2018 passed by the learned Civil Judge, Senior Division, Nashik in Land Reference No. 336 of 2017.

2. Ms. Chaitrali Deshmukh, 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 and 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. 1,13,950/- 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.

3. From the averments in the application as well as the submissions made by the 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.

4. The delay is thus condoned. Interim Application No. 16580 of 2022 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.

5. Upon depositing the amount by the Appellant/Applicant within the stipulated time, an interim relief in terms of prayer clause (b) of Interim Application No. 16581 of 2022 is granted till the date 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 13th June 2018 passed in Land Reference No. 336 of 2017 by the learned Civil Judge, Senior Division, Nashik.”

6. Both the applications stand disposed accordingly.

(Dr. Neela Gokhale, J.)

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