

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 28620 OF 2024

Maharashtra Krishna Valley Development
Corporation Through Executive Engineer

...Appellant

Versus

Janani Devi Kangarmul Deostan Trust Through Its
Trustee Dinkar Janu Kale & Ors

...Respondents

WITH

INTERIM APPLICATION NO. 14470 OF 2024

IN

FIRST APPEAL (ST) NO. 28620 OF 2024

WITH

INTERIM APPLICATION NO. 14469 OF 2024

IN

FIRST APPEAL (ST) NO. 28620 OF 2024

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Mr Ashish Gabhale, i/b Jay & Co, for the Appellant/Applicant.

Ms PH Potnis, with Amrita Kharkar, for Respondent No. 1.

CORAM. ARIF S. DOCTOR, J

DATED. 21st November 2024

PC:-

INTERIM APPLICATION NO. 14469 OF 2024.

1. This Interim Application filed for condonation of delay of 300 days in filing of the First Appeal.

2. Ms Potnis opposed the said Application by submitting that the delay is not sufficiently explained. She, however, does not want to file a formal Affidavit in Reply to oppose the Application.

3. Given this and having considered the grounds for delay, it would be in the interest of justice to condone the delay and have the First Appeal be heard on merits.

4. Interim Application is thus accordingly allowed in terms of prayer clause (a), which reads thus:

“(a) This Hon’ble Court be pleased to condone the delay of 300 days occurred in filing present First Appeal.”

INTERIM APPLICATION NO. 14470 OF 2024.

5. This Interim Application is filed for stay of the impugned Judgment and Award dated 23rd August 2023 passed under Section 18 of the Land Acquisition Act 1894 by the Small Causes Court, Pune by which the Reference Application filed by the Respondents came to be allowed.

6. Mr Gabhale, Learned Counsel appearing on behalf of the Appellant has submitted that pursuant to the Award, the entire amount with accrued interest thereon will have to be deposited within a period of eight weeks. He thus prays for a stay on the operation of the Judgment and Award . Learned Counsel for Respondent No. 1, on instructions, does not oppose. She submits that in the event the deposit is not made within the prescribed time, the stay be vacated forthwith

without further reference to the Court and, additionally submits that, if the said amount is deposited, the Respondent shall be at liberty to file an Application for withdrawal of the said amount.

7. Hence, the Interim Application is disposed of on the following terms:

- (a) The execution, operation and implementation of the impugned Judgment and Award dated 23rd August 2023 passed by the Small Causes Court and Joint Civil Judge Senior Division, Pune in Land Acquisition Reference No. 225 of 2008, is stayed.
- (b) The Appellant to deposit the said amount as per the Judgment and Decree dated 23rd August 2023 within a period of eight weeks from today before the Trial Court.
- (c) In the event the amount is deposited, Respondent No. 1 shall be at liberty to file an appropriate Application seeking withdrawal of the amount, which Application shall be heard and disposed of on its own merits.
- (d) In the event the amount is not deposited in the Trial Court, the stay granted shall vacated forthwith.

8. List the First Appeal for admission on 24th January 2025.

(ARIF S. DOCTOR, J)