



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

CIVIL APPLICATION (CAF) NO. 1516 OF 2023

IN

FIRST APPEAL (ST.) NO. 13144 OF 2022

Vidarbha Irrigation Development Corporation, Yavatmal

.VS.

Tarabai W/o. Kisan Khadse and others

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

Ms Ashwini Athalye, Advocate for the appellant

Mr H. D. Dubey, AGP for the State/respondent Nos. 2 and 3

CORAM : G.A. SANAP, J.

DATE : FEBRUARY 14, 2024.

Heard learned Advocate Ms Ashwini Athalye for the appellant and learned AGP Mr H. D. Dubey for respondent Nos. 2 and 3. Respondent No.1, though served, remained absent. Perused the record and proceedings.

2. This is an application for condonation of 73 days delay caused in filing the appeal against the impugned judgment and award dated 15.09.2021. The reasons have been stated in the application.

3. It is stated that due to the administrative procedure involved in filing the appeal, the delay has occurred. It is submitted that the appellant has a good case on merits and therefore, the appellant deserves an opportunity. On going through the record, I am satisfied that the delay can be

condoned, subject to appropriate costs.

4. It is to be noticed that in case of the appeal of the farmers/claimants, against the judgment and award of the reference Court, where there is a delay, the delay is condoned, subject to the condition that the claimant shall not be entitled to interest for the delayed period. The acquiring body or State is also required to be put to condition as to costs etc. If the delay is condoned in case of the appeal of acquiring body or a State without condition, then it would amount to discrimination between the claimant and the acquiring body. Therefore, in this case, subject to costs of Rs.10,000/-, the delay can be condoned. Accordingly, the application is allowed.

5. Delay of 73 days caused in filing the appeal is condoned, subject to deposit of costs of Rs.10,000/- within two weeks. Costs be paid to M/s. The High Court Gazetted Officers Association, Nagpur (SB General) within two weeks.

6. On payment of costs, the first appeal be registered.

7. The application stands **disposed of**, accordingly.

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8. Heard.

9. **ADMIT.**

10. Learned AGP waives service of notice on behalf of respondent Nos. 2 and 3.
11. Call for record and proceedings.
12. Paper book be filed within twelve weeks.

(G. A. SANAP, J.)

Namrata