



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

CIVIL APPLICATION (CAF) NO. 788 OF 2023

IN

FIRST APPEAL (ST.) NO. 16050 OF 2022

Vidarbha Irrigation Development Corporation, Wardha

.VS.

Ashok Keshavrao Pawar 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 G. S. Umale, AGP for respondent Nos.2 and 3

CORAM : G.A. SANAP, J.

DATE : MARCH 04, 2024.

Heard learned Advocate for the appellant and learned AGP for respondent Nos. 2 and 3. Respondent No.1, despite service has failed to appear before the Court.

2. This is an application for condonation of 91 days delay caused in filing appeal against impugned judgment and award, dated 16.03.2022 passed by the Civil Judge Senior Division, Wardha. The reasons have been stated in the application.

3. 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.2,500/-, the delay can be condoned. Accordingly, the application is allowed.

2. Delay of 91 days caused in filing the appeal is condoned, subject to deposit of costs of Rs.2,500/- (Rupees Two Thousand Five Hundred). Costs be deposited with the M/s. The High Court Gazetted Officers Association, Nagpur (SB General) within two weeks.

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

4. The civil application stands **disposed of**, accordingly.

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5. Heard.

6. **ADMIT.**
7. Learned AGP waives service of notice on behalf of respondent Nos. 2 and 3.
8. Issue notice to respondent No.1, returnable within **six weeks.**
9. Call for record and proceedings.
10. Paper book be filed within twelve weeks from the date of receipt of record and proceedings.

(G. A. SANAP, J.)

Namrata