



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

CIVIL APPLICATION (CAO) No.859 OF 2024
IN
MISC. CIVIL APPLICATION ST. No.13148 OF 2024
IN
FIRST APPEAL ST. No.15808 OF 2023 (D)

(The Executive Engineer, Minor Irrigation Division , Karnaj under VIDC, Karanja, Tq.
Karanja Distt. Wahsim Vs. Pandu vithoba Maharnar, through POA holder Kalu Pandu
Maharnar and others)

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

Court's or Judge's orders.

Mr. M.A. Kadu, Advocate for appellant.

CORAM : SANJAY A. DESHMUKH, J.
DATE : 23rd JULY, 2024.

1. Issue notice to the respondents.
2. Mr. Gaurav Gadge h/f. Mr. Pradip Kshirsagar, learned Advocate waives service of notice on behalf of respondent No.1.
3. Mr. P.P. Pendke, learned A.G.P. waives service of notice on behalf of respondent Nos.2 and 3.
4. Learned A.G.P. for the respondent Nos.2 and 3 has strongly objected the application.
5. This is an application for condonation of delay caused for preferring application for restoration of the appeal.
6. Perused the application.
7. Heard learned Advocate for both sides.
8. Considering the reasons stated in the

application, the application deserves to be allowed in the interest of justice.

9. The application is allowed.

10. The delay of 217 days caused in preferring restoration application is condoned.

11. The application is disposed of.

MISC. CIVIL APPLICATION ST. No.13148 OF 2024.

1. Issue notice to the respondents.

2. Mr. Gaurav Gadge h/f. Mr. Pradip Kshirsagar, learned Advocate waives service of notice on behalf of respondent No.1.

3. Mr. P.P. Pendke, learned A.G.P. waives service of notice on behalf of respondent Nos.2 and 3.

4. Perused the application.

5. Heard learned Advocate for both sides.

6. Considering the reasons stated in the application, the application deserves to be allowed in the interest of justice.

7. The application is allowed.

8. The appeal is restored on its original number.

9. The application is disposed of.

Civil Application (CAF) St. No.22364/2023.

1. This is an application for condonation of delay caused of 51 days in filing appeal against the impugned judgment and award.

2. Issue notice to the respondents.

3. Mr. Gaurav Gadge h/f. Mr. Pradip Kshirsagar, learned Advocate waives service of notice on behalf of respondent No.1.

4. Mr. P.P. Pendke, learned A.G.P. waives service of notice on behalf of respondent Nos.2 and 3.
5. Perused the application.
6. Heard learned Advocate for both sides.
7. Considering the reasons stated in the application, the application deserves to be allowed in the interest of justice.
8. The application is allowed.
9. The delay of 51 days caused in filing appeal is condoned.
10. The application is disposed of.

Civil Application (CAF) St. No.22365/2023.

1. This is an application for staying the execution of the impugned judgment and award dated 23.3.2023.
2. Issue notice to the respondents.
3. Mr. Gaurav Gadge h/f. Mr. Pradip Kshirsagar, learned Advocate waives service of notice on behalf of respondent No.1.
4. Mr. P.P. Pendke, learned A.G.P. waives service of notice on behalf of respondent Nos.2 and 3.
5. Perused the application.
6. Heard learned Advocate for both sides.
7. For the reasons stated in the application, the application deserves to be allowed in the interest of justice.
8. The application is allowed, subject to depositing amount of award within twelve weeks.
9. There shall be stay to the execution of the

impugned judgment and award dated 23.3.2023, passed by Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Authority, Nagpur.

10. The application is disposed of.

FIRST APPEAL ST. No.15808 OF 2023.

1. Issue notice to the respondents.

2. Mr. Gaurav Gadge h/f. Mr. Pradip Kshirsagar, learned Advocate waives service of notice on behalf of respondent No.1.

3. Mr. P.P. Pendke, learned A.G.P. waives service of notice on behalf of respondent Nos.2 and 3.

4. **Admit.**

5. Call R. & P.

6. The appellant is directed to remove the office objections within six weeks.

(SANJAY A. DESHMUKH, J.)