



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

CIVIL APPLICATION (CAO) No.863 OF 2024
IN
MISC. CIVIL APPLICATION ST. No.13150 OF 2024
IN
FIRST APPEAL ST. No.15696 OF 2023 (D)

(The Executive Engineer, Minor Irrigation Division , Karnaj under VIDC, Karanja, Tq.
Karanja Distt. Wahsim Vs. Maroti Ramji Rathod 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.13150 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.22355/2023.

1. This is an application for condonation of delay caused of 50 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 50 days caused in filing appeal is condoned.
- 10 The application is disposed of.

Civil Application (CAF) St. No.22354/2023.

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.15696 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.

Civil Application St. No.9630/2024.

1. This is an application is filed for condonation of delay. However, the appeal is admitted today.

2. The delay for filing the appeal is already condoned. Therefore, there cannot be delay for filing cross-objection.

3. The application, therefore, needless. Hence, it is disposed of.

4. Cross-objections are to be admitted.

Cross-Objection St. No.9627/2024.

1. Issue notice to the respondents.

2. Cross objection be registered.

3. Mr. P.P. Pendke, learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2.

4. Mr. M.A. Kadu, learned Advocate waives service of notice on behalf of respondent No.3.
5. The cross-objector is directed to remove the office objections within six weeks, if any.

(SANJAY A. DESHMUKH, J.)

Wadode