



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

CIVIL APPLICATION [CAO] NO.956 OF 2019

IN

MISC. CIVIL APPLICATION ST. NO.14401 OF 2018

IN

FIRST APPEAL ST. NO.9474 OF 2016 [R.C. NO.623/2016]

[Pralhad s/o Bhika Jadhao .vs. The Executive Engineer, Minor Irrigation Project, Pusad and others]

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

Court's or Judge's orders

Shri V.N. Patre, Advocate for Applicant-Appellant.
Shri H.D. Futane, AGP for Respondent Nos.2 and 3.

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CORAM : PRAVIN S. PATIL, J.
DATED : SEPTEMBER 03, 2025.

1. After hearing the learned counsel for the applicant and respondents, it is revealed that the award passed by the reference court dated 14.9.2015 was challenged by the acquiring body vide First Appeal No.883/2017 before this Court. In the said appeal, this court granted stay to the order of the reference court vide order dated 17.3.2017 subject to deposit the decretal amount. Accordingly, the amount has been deposited in this court by the acquiring body on 16.1.2018.

2. It is the submission of the present applicant for seeking condonation of delay that due to paucity of amount, he could not remove the office objection to deposit the requisite court fee stamp. As such, due to non removal

of office objection, the appeal was dismissed. It is stated by him that after depositing the amount by the acquiring body, the amount was received to him and immediately thereafter present application was moved on 3.7.2018. This court on 14.2.2020 issued notice to the respondents.

3. From the perusal of the record, it is clear that from 14.2.2020, the matter is not listed before this court and the application for condonation of delay in filing revision is pending without any progress.

4. The learned counsel for the applicant stated that the office of this court has not listed the matter. However, I am of the view that it is equal responsibility of the appellant to circulate the application after issuing notice by this court in between five years period, but I find no steps were taken by the applicant to circulate the present application.

5. However on merits of the application, I am satisfied that the reason for condonation of delay of 707 days stated in the application found to be justified in the matter as he was not in a position to deposit the court fees in the matter. Therefore, for the reasons stated in the application, the application for condonation of delay is allowed.

6. But because of keeping pending the matters for a period of almost five years, the respondent-acquiring body

can't be burdened to pay interest in case this court allowed the appeal. Hence, applicant will not be entitled for claiming any interest from the acquiring body for the period from 14.2.2020 to 3.9.2025. Accordingly, on this condition, the application is allowed and disposed of.

MCA St. No.14401/2018

1. By this application, applicant is seeking to quash and set aside the order passed by the Registrar (Judicial), dated 19.7.2016 by which the registration of the appeal was rejected for not removing the office objection by the present applicant.

2. For the reasons stated in the application, the application is allowed. The office is directed to restore the First Appeal St. No.9474/2016 to its original file. The applicant undertakes to remove the office objection within a period of two weeks.

3. The application stands disposed of.

(PRAVIN S. PATIL, J.)