



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

CIVIL APPLICATION [CAF] NO.3708 OF 2017

IN

FIRST APPEAL ST. NO.17449 OF 2017

[Maharashtra State Power Generation Company Limited .vs. Smt. Rukhamabai wd/o Punjabrao
Bhurse 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 G.E. Moharir, Advocate for Appellant.
Shri S. Hulke, AGP for Respondent No.7.

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CORAM : PRAVIN S. PATIL, J.
DATED : SEPTEMBER 24, 2025.

1. By this application, the applicant-appellant is seeking leave to file the present appeal to challenge the judgment and award dated 30.07.2016 passed by Ad-hoc District Judge-2, Nagpur in Land Acquisition (Ref.) Case No.133/1989.

2. It is the submission of the appellant that he being the acquiring body was necessary party in the reference proceeding, but the claimants did not implead the appellant as a necessary party in the reference proceeding. It is stated that when the execution proceedings were filed by the claimants, that time it came to the notice about the impugned judgment passed by reference court. It is further stated that the compensation amount has been already deposited before this court.

3. In view of above and the reasons stated in the application, the application is allowed.

4. The appellant is permitted to file the present appeal.

5. Application stands disposed of.

Civil Application (CAF) No.4517/2017

1. The office note shows that the respondents are duly served. However, none appeared for the respondents-claimants in the matter.

2. There is a delay of 284 days in filing the appeal against the judgment and order passed by the reference court. It is stated that the appellant was not a party in the reference proceeding and, therefore, not aware about the pendency of the said proceeding. Same came to the knowledge when the execution proceedings were filed by the respondents-claimants. Immediately thereafter the present appeal is preferred.

3. It is also seen from the record that the compensation amount is deposited before this court. Furthermore, the reasons stated in the application are not controverted by the respondents-claimants in the matter.

4. For the reasons stated in the application, the delay of 284 days caused in filing the appeal is hereby condoned.

5. Office is directed to register the appeal and list the matter for admission.

(PRAVIN S. PATIL, J.)