



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

CIVIL APPLICATION (CAF) NO.2405 OF 2025
WITH CIVIL APPLICATION (CAF) NO.2407 OF 2025
IN
FIRST APPEAL (STAMP) NO.9323 OF 2025

VI.D.C., THR. EXECUTIVE ENGINEER, IRRIGATION DIVISION, AMRAVATI
VERSUS
MOHAN SHANKAR TEMBHE AND OTHERS

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. U.A. Gosavi, Advocate for Appellant.
Ms. K.H. Bhondge, AGP for Respondent Nos.2 & 3-State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 12th January 2026

1. Heard learned Advocate for the appellant.
2. This is an application for condonation of delay of 42 days in filing statutory appeal.
3. Notice on the civil application is served upon the respondents and nobody appears for respondent No.1. Learned AGP appears for respondent Nos.2 and 3-State.
4. Learned Advocate for the appellant submits that the delay of 42 days occurred in obtaining necessary permissions and approvals in filing statutory appeal on behalf of the appellant Corporation.
5. Having regard to the contents of the application and submissions advanced, the delay of 42 days does not appear to be intentional. Therefore, the application is allowed and the delay of 42 days in filing statutory appeal is condoned.
6. The civil application is accordingly disposed of.

CIVIL APPLICATION (CAF) NO.2407 OF 2025

7. This is an application filed under Order 41, Rule 5 of C.P.C., for seeking stay to the Judgment and Award dated 20.08.2024, passed by the Reference Court at Nagpur.

8. Issue notice to the respondents, returnable after four weeks.

9. Learned AGP waives service of notice on behalf of respondent Nos.2 and 3-State.

10. The appellant is permitted to serve the other respondent by private mode, in addition to regular mode of service and file affidavit of service in that regard by next date.

11. Although by an order dated 16.07.2025, on Civil Application No.2405 of 2025, this Court had directed the appellant to deposit the entire decretal amount within a period of eight weeks, same is not deposited.

12. Be that as it may, having regard to the contents of the application and submissions advanced, subject to the appellant depositing the entire amount of compensation along with interest, in this Court, within a period of eight weeks from today, there shall be ad-interim stay to the impugned Judgment and Award, till next date.

(PRAFULLA S. KHUBALKAR, J.)

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