

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

C. A. F. NO. 2845 OF 2010, 2844 & 1586 of 2010
IN
FIRST APPEAL ST. NO. 15804 OF 2010

V. I. D. C. Nagpur

Vs.

Saraswatabai wd/o Balkrishna Tambulkar & Ors.

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

Court's or Judge's Orders

Shri V. G. Palshikar Adv for applicant.

Shri S. V. Deshmukh Adv for non applicant/respondent.

CORAM: .R. M. SAVANT J.

Dated: 1st MARCH, 2011.

The above civil application has been filed on behalf of the acquiring body seeking leave to challenge the judgment and award of the reference Court dated 24.06.2008. In view of the settled position of law as regards the right of the acquiring body to file appeal under Section 54 of the Land Acquisition Act the above civil application is required to be allowed and is accordingly allowed. Resultantly applicants would be entitled to file an appeal challenging the award in question. Civil Application is accordingly disposed of.

C. A. F. No. 2844 of 2010: By the above civil application applicant seeks condonation of delay of 714 days in filing the Appeal. Reasons therefor are mentioned in the civil application. Reasons can be attributed to the administrative delay in obtaining sanction etc. Non applicants have resisted the application by filing an affidavit in reply. Considering the said reasons and the affidavit in reply in my view the said reasons commend acceptance. Civil Application is accordingly allowed. Resultantly delay of 714 days in filing appeal stands condoned. Civil Application disposed of.

Civil Application no. 1586 of 2010: By the above civil application applicant that is the claimants seek to withdraw the decretal amount deposited in this Court by acquiring body i. e. V. I. D. C. In terms of the order dated 23.11.2010 the appellant has deposited 50% of the decretal amount in this Court. The said amount is to the extent of Rs. 6,16,232/-. The said amount is purportedly 50% of the decretal amount. Civil Application is therefore allowed. Applicants/respondents are allowed to withdraw the said amount of Rs. 6,16,232/- on furnishing solvent security to the satisfaction of the learned Registrar of this Court. Applicants to also file an undertaking that they would bring back the said amount as would be directed by this Court at the time of final hearing of the above first appeal in the event the V. I. D. C. succeeds in the Appeal. Civil Application is

accordingly disposed of.

First Appeal No. /2011: Heard by the consent of the parties.

Admit.

JUDGE

svk

