

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

CIVIL APPLN. (F) NO. 2349 OF 2017

IN

FIRST APPEAL ST. NO. 26370 OF 2016

Executive Engineer, Lower Wardha Project Divn., Wardha

-Vs.-

Shridas Bapurao Patode and others

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

Court's or Judge's Orders.

Mr. S.K.Bhojar, counsel for the appellant.
Mr.N.G. Solav, counsel for the respondent Nos.5 to 8.
Mrs.Mrunal Naik, AGP for the respondent No.9 and 10.

CORAM : MANISH PITALE, J.

DATE : 24.09.2019

This Court had issued notice on the application for condonation of delay of 140 days in filing the accompanying appeal. The applicant/appellant in the present case is the Acquiring Body and it is the case of the applicant/appellant that the enhanced compensation granted by the Reference Court in the present case is unsustainable.

2. Notice was issued on the application for condonation of delay, where all the respondents, except the respondent No.1, stood served. The report shows that the respondent No.1 has expired. The learned counsel for the appellant submitted that despite efforts made to

ascertain the details of the legal representatives of the respondent No.1, information could not be received. It was further pointed out that the other private respondents in this application/appeal are all related to the deceased respondent No.1 and therefore, the learned counsel appearing for the respondent Nos.5 to 8 could give information regarding details of legal representatives of the respondent No.1.

3. But the learned counsel appeared for the respondent Nos.5 to 8 states that despite letters sent to his clients asking for the said information, there was no response.

4. In this situation, particularly in the backdrop of the fact that even the served respondents have not filed any reply or affidavit opposing the prayer for condonation of delay, the application is allowed and the delay is condoned. The application stands disposed of accordingly.

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Heard learned counsel for the appellant.

2. Issue notice, returnable in **six weeks**.

3. Learned counsel Shri N.G.Solav waives notice on behalf of the respondent Nos.5 to 8 and learned Assistant Government Pleader Mrs.Mrunal Naik waives notice on behalf of the respondent Nos.9 and 10.

4. In the meanwhile, the appellant shall make efforts to ascertain the details of the legal representatives of the deceased respondent No.1.

JUDGE