

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

C.A.F. NO.1263/2014

IN

FIRST APPEAL STAMP NO.2092/2014

V.I.D.C.

..Versus..

Namdeo Sakharam Shingne and others

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 23.1.2015

Heard Shri Abhijit Parihar, the learned advocate for the applicant, Shri K.S. Narwade, the learned advocate for the non-applicant no.1 and Shri M.A. Kadu, the learned A.G.P. for the non-applicants 2 and 3.

For the reasons stated in the application and the fact that it is

not opposed by the non-applicants inasmuch as reply is not filed by the non-applicants, the delay of 16 days in filing the appeal is condoned.

The civil application is disposed of.

FIRST APPEAL STAMP NO.2092/2014

Taken up on board for admission by the consent of the learned advocates for the respective parties.

Admit.

Shri Narwade, the learned advocate waives notice for the respondent no.1.

Shri Kadu, the learned A.G.P., waives notice for the respondents 2 and 3.

The private paper book shall be filed within six months from today, failing which the appeal shall stand dismissed without reference to Court.

C.A.F. NO.1264/2014.

The learned advocates for the respective parties submit that in

the connected appeals arising out of the same order which is challenged in this appeal, this Court has permitted the respondent - owner to withdraw 50% of the amount deposited by the appellant on furnishing surety to the satisfaction of the Reference Court and balance 50% of the amount is permitted to be withdrawn on filing an undertaking to the satisfaction of the Reference Court that in case the appeal is allowed, the respondent shall repay the amount withdrawn by him with interest as would be determined by the Court, within the stipulated time. The respondent no.1 is permitted to withdraw the amount in the above terms.

The civil application filed by the appellant praying for interim order is not in consonance with the provisions of Order 41 Rule 5 of the Code of Civil Procedure. The appellant to deposit Rs.500/- with the Legal Aid Services Sub-Committee, High Court, Nagpur and produce the receipt on the record of the appeal till 6th February, 2015, failing which the appeal shall stand dismissed without reference to the Court.

C.A.F. NO.82/2015.

In view of the order passed on Civil Application No.1264/2014
no orders are required on this application.

JUDGE

Tambaskar.