

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

C.A.F. NO.2675/2013
IN
FIRST APPEAL STAMP NO.16434/2013

Executive Engineer, Minor Irrigation Division, Washim, Distt. Washim

..Versus..

Devanand Nivrutti Sarkate and another

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

Court's or Judge's orders

Shri Palshikar, Adv. for the applicant/appellant.

Shri V. K. Paliwal, Adv. for respondent no.1.

Ms. M.P. Maldhure, A.G.P. for respondent no.2.

CORAM : Z.A. HAQ, J.

DATE : 19.1.2015

Heard.

For the reasons stated in the application and the fact that it is not opposed by the non-applicants, the delay in filing the appeal is condoned. The civil application is allowed. However, this is on condition that the applicant shall pay costs of Rs.2,000/ to the learned advocate for the respondent no.1 and Rs.1,000/- to the learned A.G.P.

and produces the receipts on the record of the appeal till 13th February, 2015, failing which this order shall stand recalled and civil application and the appeal shall stand dismissed without reference to Court.

FIRST APPEAL STAMP NO.16434/2013

Admit.

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

Ms. Maldhure, the learned A.G.P., waives notice for the respondent no.2.

The applicant/appellant shall file the private paper book within six months from today, failing which the appeal shall stand dismissed without reference to Court.

C.A.F. St. NO.16436/2013.

There shall be interim stay to the execution of the impugned order on condition that the applicant/appellant deposits the entire amount as per the impugned award with the Registry of this Court till

15th April, 2015. If the amount is deposited within the stipulated time, the interim order shall continue till the decision of the appeal.

If the amount is not deposited within the stipulated time, the interim order shall stand vacated without reference to Court.

If the amount is deposited by the applicant/appellant within the stipulated time, the respondent no.1 is permitted to withdraw 50% of the amount on furnishing solvent surety to the satisfaction of the Registrar (J.) of this Court. The respondent no.1 is permitted to withdraw the balance 50% of the amount which would be deposited by the applicant/appellant on filing an undertaking to the satisfaction of the Registrar (J.) of this Court to the effect that the respondent no.1 shall redeposit the amount, along with interest as would be determined by the Court, within the stipulated time, if the appeal is allowed. The civil application is allowed in the above terms.

JUDGE