

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

SECOND APPEAL NO.336 OF 2014

Zilla Parishad Gadchiroli, Through Chief Executive Officer and ors.

-vs-

Keshao Dukru Wasekar and ors.

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

Court's or Judge's Orders.

Shri W. G. Paunikar, Advocate for appellant.

Shri V. R. Mundra, Advocate for respondent Nos.1 and 2.

CORAM : A.S.CHANDURKAR, J.

DATE : APRIL 15, 2016

The appellant is aggrieved by the decree passed by the trial Court directing it to restore the position of the disputed public water reservoir to its earlier position as in the year 1995.

On 13/08/2014 an order came to be passed in the second appeal directing the Chief Engineer, Irrigation Department to submit a report in terms of the decree passed by the Trial Court. Accordingly, the Chief Engineer submitted his report on 19/11/2014 in which it was stated that the level of the field of the respondents was required to be increased. On 06/01/2015, the appellant No.2 filed a pursis that the excavated material would be spread in the field of the respondents so as to rise the height of the suit field by 90 cm. The appeal was thereafter admitted by framing substantial questions of law.

Shri W. G. Paunikar, the learned counsel for the appellants, on instructions, submits that an amount of Rs.25,00,000/- was sanctioned for carrying out aforesaid

work and pursuant thereto, the work of raising the height of the suit field has commenced. The respondents are also satisfied with said arrangement. He submits that a pursis in that regard dated 06/01/2015 has also been filed. He therefore states that as the decree passed by the Trial Court has now become workable, it is not necessary to further continue with the prosecution of this appeal.

Hence in view of pursis dated 06/01/2015, it is not necessary to adjudicate on the substantial questions of law. Accordingly, the second appeal stands disposed of. The decree passed by the Trial Court stands confirmed. The respondents would be entitled to withdraw the amount of Rs.25,000/- deposited by the appellants before the Trial Court.

There would be no order as to costs.

JUDGE