

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

CIVIL APPLICATION [F] NO.1302 OF 2016

IN

FIRST APPEAL ST. NO.9399 OF 2015

[The Executive Engineer .vs. Ajit Subhashchandra Jain and others]

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

Court's or Judge's orders

Shri S.S. Godbole, Advocate for applicant,
 Shri S.D. Chopde, Advocate for respondent nos.1 to 3,
 Mrs. A.R. Kulkarni, A.G.P. for respondent nos.4 and 5.

CORAM : Z.A. HAQ, J.

DATED : OCTOBER 10, 2016.

For the reasons stated in the application, which are not controverted, the delay of 279 days in filing appeal is condoned. The civil application is allowed.

FIRST APPEAL ST. NO.9399/2015

Taken up for admission on hearing.

ADMIT.

Call R & P.

Shri S.D. Chopde, Advocate waives notice for respondent nos.1 to 3.

Mrs. A.R. Kulkarni, A.G.P. waives notice for respondent nos.4 and 5.

The appellant shall file private paper book within six months.

CIVIL APPLICATION [F] NO.1303/2016

As the amount is deposited, the execution of award is stayed, till the disposal of appeal. The civil application is allowed.

CIVIL APPLICATION [F] NO.816 OF 2016

Considering the order passed by this Court in connected First Appeal Stamp No.9771/2015 and the facts of the present case, the respondent nos.1 to 3/claimants are permitted to withdraw Rs.6,00,000/- on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court. Additional amount of Rs.6,00,000/- be given to the respondent nos.1 to 3/claimants on furnishing an undertaking to the satisfaction of Registrar (Judicial) of this Court to the effect that if it is found that the claimants are not entitled for the amount withdrawn by them, they will redeposit the amount along with interest as may be determined by this Court, within two months. The amount be transmitted to the joint account of the claimants after all the claimants submit solvent surety/security and undertaking.

The civil application is allowed in the aforesaid terms.

JUDGE

Gulande

C E R T I F I C A T E

“I certify that this order uploaded is a true and correct copy of original signed order.”

Uploaded by : A.S. Gulande, P.A.

Uploaded on : 14.10.2016