

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

CIVIL APPLICATION (CAF) NO.1301/2016
IN
FIRST APPEAL STAMP NO.9820/2015

The Executive Engineer, Khadakpurna Project Division, V.I.D.C., Deulgaon-Raja
..Vs..
Shivaji Kaduba Deshmukh 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.
DATED : 3.10.2016.

Heard Shri S.S. Godbole, Advocate for the
appellant, Shri M.A. Kadu, A.G.P. for respondent Nos.2 and 3
and Shri K.S. Narwade, Advocate for respondent No.1.

Accepting the reasons stated in the application,
which are not controverted, the delay of 260 days in filing
appeal is condoned. The civil application is **allowed**.

FIRST APPEAL STAMP NO.9820/2015

Taken up for admission on hearing.

ADMIT.

Call R & P.

The appellant shall file private paper book within
six months.

Shri K.S. Narwade, Advocate waives notice for
respondent No.1.

Shri M.A. Kadu, A.G.P. waives notice for

respondent Nos.2 and 3.

C.A.F. NO.1302/2016

As the amount is deposited by the appellant, the interim order granted on 26th February, 2016 shall continue till the disposal of appeal. The civil application is **allowed**.

C.A.O. NO.1693/2016

Considering the order passed in connected First Appeal Stamp No.9771/2015 in which this Court has permitted the claimants to withdraw Rs.10,00,000/- out of Rs.12,00,000/- deposited by the appellant, the respondent No.1/claimant in the present case is permitted to withdraw Rs.6,00,000/- on furnishing solvent surety/security to the satisfaction of Registrar (J.) of this Court and further amount of Rs.6,00,000/- be given to the respondent No.1/claimant on filing an undertaking before the Registrar (J.) of this Court stating that in case if it is found that respondent No.1/claimant is not entitled for the amount amount withdrawn by him, he shall re-deposit the amount with interest as may be determined by this Court, within two months.

The balance amount be continued in fixed deposit in nationalized bank till the disposal of appeal.

JUDGE

CERTIFICATE

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

Uploaded By : N.V. Tambaskar.
Personal Assistant.

Uploaded On : 4.10.2016.