

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

CIVIL APPLICATION (CAF) NO.3339/2015
IN
FIRST APPEAL STAMP NO.14083/2015

Executive Engineer, Minor Irrigation Department, Man Project Div., Khamgaon, Distt.
 Buldana

..Vs..

State of Maharashtra, through District Collector, Buldana 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 : 14.9.2016.

Heard Ms. Amruta Gupta, Advocate for the appellant, Shri S.B. Bissa, A.G.P. for the respondent Nos.1 and 2 and Shri R.P. Masurkar, Advocate for the respondent Nos.3(b) to 3(f).

Accepting the reasons stated in the application, which are not controverted, the delay of 106 days in filing the appeal is condoned. The civil application is **allowed**.

FIRST APPEAL STAMP NO.14083/2015

Taken up for hearing on admission.

ADMIT.

Call R & P.

Shri S.B. Bissa, A.G.P. waives notice for the respondent Nos.1 and 2.

Shri R.P. Masurkar, Advocate waives notice for the respondent Nos.3(b) to 3(f).

The appellant shall file private paper book within six months.

CIVIL APPLICATION NO.663/2016

For the reasons stated in the application, the appellant is permitted to amend the memorandum of appeal by incorporating the amendment proposed in the application. The civil application is **allowed**.

CIVIL APPLICATION NO.1210/2016.

Shri R.P. Masurkar, Advocate for the claimants has submitted that in connected matters, this Court has permitted the claimants to withdraw 50% of the amount on filing undertaking and balance 50% amount on furnishing solvent surety/security. The copy of order passed by this Court in First Appeal No.986/2015 on 27th April, 2016 is also shown.

Accepting the submissions made on behalf of the claimants, the claimants are permitted to withdraw 50% of the amount deposited by the appellant, on furnishing undertaking before the Registrar (J.) of this Court stating that if at the time of hearing of appeal it is found that the claimants are not entitled for the amount withdrawn by them, they shall re-deposit the amount with interest as may be directed by this Court, within two months.

The balance 50% amount be given to the claimants on furnishing solvent surety/security to the satisfaction of the Registrar (J.) of this Court.

The amount be disbursed to the claimants in the proportion as per the award passed by the Reference Court. The civil application is **allowed** in the above terms.

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 : 16.9.2016.