

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

Civil Application (CAF) No.90 of 2016

In

First Appeal Stamp No.2327 of 2014

(The Executive Engineer, Medium Project Division, Civil Lines, Nagpur v.
Bharat Raoji Ghagre and others)

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

Shri S.S. Godbole, Advocate for Applicant.

Shri C.R. Najbile, Advocate for Non-Applicant Nos.1 and 2.

Shri A.M. Deshpande, AGP for Non-Applicant No.3.

Coram : R.K. Deshpande, J.

Date : 13th April, 2016

Civil Application (CAF) No.90 of 2016 :

There is a delay of 276 days caused in filing an appeal. Notice was issued. Learned counsel Shri Najbile appears for the non-applicant Nos.1 and 2, and learned AGP Shri Deshpande appears for the non-applicant No.3. No reply is filed. After going through the averments made in the application, which remained uncontroverted, I am satisfied that a sufficient cause is made out for condonation of delay.

Hence, the civil application is allowed. The delay caused is condoned.

The civil application is disposed of.

First Appeal Stamp No.2327 of 2014 :

Heard.

Admit.

Respective counsels waive service.

Call for R & P.

Civil Application (CF) No.91 of 2016 :

Since the entire amount is deposited in this Court, there shall be stay in terms of prayer clause (a) of this civil application, which shall continue to operate pending the decision of the appeal.

The civil application is disposed of.

Civil Application (CAO) No.713 of 2016 :

Shri Najbile, the learned counsel for the applicants (respondent Nos.1 and 2), submits that in identical matter, i.e. Civil Application (F) No.1960 of 2015 in First Appeal No.70 of 2015 [Executive Engineer (VIDC), Medium Project Division, Nagpur v. Yadavrao Krishnarao Dobale and others], this Court has passed an order permitting withdrawal of 50% of the amount subject to furnishing the usual undertaking, and the balance 50% upon furnishing the solvent security to the satisfaction of the Registrar (Judicial) of this Court.

The applicants (respondent Nos.1 and 2) are permitted to withdraw 50% of the amount subject to furnishing the usual

undertaking, and the balance 50% upon furnishing the solvent security to the satisfaction of the Registrar (Judicial) of this Court.

The civil application is disposed of.

Judge.

Lanjewar