

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

CIVIL APPLICATION (CAF) NO.2598 OF 2016

IN

FIRST APPEAL NO.384 OF 2015

(EXE. ENGR MINOR IRRIGATION DN. WASHIM...VS..DEVANAND NIVRUTTI SARKATE & ANR.)

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

Court's or Judge's orders

Shri V.G.Palshikar, Advocate for Appellant.
Shri V.K. Paliwal, Advocate for Respondent No.1.
Ms S.A.Haider, A.G.P. for Respondent No.2.

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 15, 2016.

By the order dated 19th January, 2015 this Court granted interim order on condition that the appellant deposits the amount as per the impugned award with the Registry of this Court till 15th April, 2015. The appellant failed to deposit the amount within the stipulated time. The matter was listed before the Court on 3rd May, 2016 on which date it was submitted on behalf of the applicant that the amount will be deposited within two weeks. This Court accepted the submission made on behalf of the appellant and recorded that the interim order granted on 19th January, 2015 shall continue to operate if the amount is deposited. This Court recorded that if the appellant fails to deposit the amount, the execution proceedings can proceed.

The appellant has now filed this application on 1st August, 2016 seeking permission to deposit the amount. In the application a general averment is made that the amount could not be deposited till 15th April, 2015 and that the

cheque for the amount was prepared on 26th July, 2016. The facts on record and the averments in the application show the casual and callous attitude of the officers/officials. This Court is required to pass unwanted orders as is clear from the order dated 3rd May, 2016, because of casual and callous approach of the officials.

As I find that the respondents will not be prejudiced if the appellant is permitted to deposit the amount, the appellant is permitted to deposit the amount within two weeks, however, the appellant shall pay the costs of Rs.10,000/- to the respondent No.1-claimant and produce receipt on record of this appeal within one month, failing which the appeal shall stand dismissed without reference to the Court.

If the amount is deposited within two weeks, the amount be disbursed as per the order passed on 19th January, 2015. If the amount is not deposited within stipulated time, the claimant will be at liberty to proceed with the execution.

The Superintending Engineer, Minor Irrigation Division, Washim shall recover the amount of costs of Rs.10,000/- from the person who is responsible for handling the matter. The Superintending Engineer shall file an affidavit on the record of this appeal till 14th October, 2016 pointing out the action taken by him in the matter.

The civil application is **disposed** in the above terms.

Contd.

CIVIL APPLICATION NO. 1604/16.

This application filed by the respondent No.1/ Claimant seeking directions against the appellant that the appellant should deposit the amount, is not listed today.

In view of the order passed on Civil Application No. 2598 of 2016, this application is rendered infructuous. It is disposed of accordingly.

JUDGE

RRaut..

CERTIFICATE

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

Uploaded by : R.B. Raut, PS

Uploaded on : 16/09/2016