

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

CIVIL APPLICATION (CAF) NO.1306/2016
IN
FIRST APPEAL STAMP NO.9373/2015

The Executive Engineer, Khadakpurna Project Division, V.I.D.C., Deulgaon-Raja
..Vs..
Rajendra Bhaulal Dungarwal 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 S.D. Chopde, Advocate for respondent No.1
and Shri M.A. Kadu, A.G.P. for respondent Nos.2 and 3.

Accepting 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 STAMP NO.9373/2015

Taken up for admission on hearing.

ADMIT.

Call R & P.

As the appellant will be filing private paper book
in connected First Appeal Stamp No.9820/2015, the filing of
private paper book is dispensed with in this appeal on
condition that the appellant shall supply the copy of paper
book to the respondents in this appeal.

Shri S.D. Chopde, 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.1307/2016 & C.A.O. NO.1768/2016

The appellant has deposited Rs.2,34,025/- and undertakes to deposit the balance amount i.e. more than Rs.27 Lakhs within two weeks.

If the amount is deposited within two weeks, the interim order granted on 26th February, 2016 shall continue till the disposal of appeal. The civil applications are **disposed** accordingly.

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.12,00,000/- on furnishing solvent surety/security to the satisfaction of Registrar (J.) of this Court and further amount of Rs.12,00,000/- be given to the respondent No.1/claimant on filing an undertaking before the Registrar (J.) of this Court that in case it is found that respondent No.1/claimant is not entitled for the amount withdrawn by him, he shall re-deposit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 kept in fixed deposit in nationalized bank till the disposal of appeal.

JUDGE

Tambaskar.

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.