

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

Civil Application [CAF] No.2179 of 2016
in
First Appeal Stamp No.20365 of 2015

(V.I.D.C., through its Executive Engineer, Minor Irrigation Division, Washim
vs.

Bharat Mohansing Rathod and others)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Shri J.B. Kasat, Advocate for the Applicant.
Shri J.A. Malnas, Advocate for Respondent No.1.
Shri K.R. Lule, A.G.P. for Respondent Nos.2 and 3.

CORAM : S.B. SHUKRE, J.
DATE : 25th NOVEMBER, 2016.

Heard.

Perusal of the application discloses sufficient cause
and, therefore, it deserves to be allowed.

The application is allowed and disposed of. The
delay is condoned.

Civil Application [CAF] No.613/2016 :

Heard.

The impugned judgment and order shows that the
Executive Engineer, Minor Irrigation Washim Division,
Washim was party to the proceedings before the Reference
Court. The impugned judgment and order has been passed in
a reference, which was of the year 2014 when the Vidarbha
Irrigation Development Corporation was already in existence
and as a matter of record, there was no such entity in
existence as 'Minor Irrigation Washim Division' of its own and
independently of the Vidarbha Irrigation Development
Corporation and, therefore, *prima facie* it appears that in the

reference itself, the V.I.D.C. should have been joined as a party-respondent.

According to the applicant, enhancement is on the higher side and this is going to be the first appeal in law. For these reasons, I am of the view that this application deserves to be allowed.

The application is allowed. Leave to file the appeal is granted. The appeal be registered.

The application is disposed of.

First Appeal Stamp No.20365/2015 :

Heard.

Admit.

Call for record and proceedings.

Shri Malnas, learned Counsel waives notice on behalf of respondent No.1 and Shri Lule, learned A.G.P. waives for respondent Nos.2 and 3.

Civil Application [CAO] No.1902/2016 :

Heard.

In a connected matter i.e. First Appeal No.396/2014, the claimants have been allowed to withdraw 50% of the amount deposited against solvent surety and remaining amount against an undertaking. Therefore, this application deserves to be allowed.

The claimant is permitted to withdraw 50% of the amount deposited in this Court against furnishing of a solvent surety to the satisfaction of the Registrar (Judicial) and remaining amount by furnishing usual undertaking.

The application is allowed and disposed of accordingly.