

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

Civil Application (CAF) No.256 of 2016

And

Civil Application (CAF) No.257 of 2016

In

First Appeal Stamp No.21877 of 2015

(The Executive Engineer, Lower Wardha Project Division, Wardha v.
Diwarkar s/o Vasudeorao Dehankar 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.K. Bhoyar, Advocate for Applicant.

Shri S.R. Deshpande, Advocate for Non-Applicant Nos.1 and 2.

Shri A.M. Deshpande, AGP for Respondent Nos.3 and 4.

Coram : R.K. Deshpande, J.

Date : 13th April, 2016

Civil Application (CAF) No.256 of 2016 :

There is a delay of 26 days caused in filing an appeal. The notice was issued. Shri S.R. Deshpande, the learned counsel, appears for the non-applicant Nos.1 and 2 and files the reply opposing the application for condonation of delay. Shri A.M. Deshpande, the learned AGP, appears for the non-applicant Nos.3 and 4.

After going through the averments made in the application and after going through the reply filed by the non-applicant Nos.1 and 2, 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.21877 of 2015 :

Heard.

Admit.

Respective counsels waive service of notice.

Call for R & P.

Civil Application (CAF) No.257 of 2016 :

This Court passed an order on 20-1-2016 granting interim relief in terms of prayer clause (I) of this application, which is to continue pending the decision of the appeal.

This Court imposed the condition that the entire decretal amount be deposited within a period of twelve weeks from today, failing which it was made clear that the application shall stand dismissed without reference to the Court.

In view of the said order and non-deposit of the amount within the stipulated period, the civil application stands automatically dismissed and the interim order passed by this Court stands vacated.

Needless to say that it is open for the applicant to file an application for restoration of interim order along with the cheque for payment of entire decretal amount.

Judge.

Lanjewar