

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

CIVIL APPLICATION (CAF) NO.1075 OF 2015
IN
FIRST APPEAL ST. NO.2957 OF 2014

VIDC, Thr. Executive Engineer, Bembla Project Dvn.5. Yavatmal

-vs-

Sushilabai wd/o Shankar Giri and ors.

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

Court's or Judge's Orders.

Shri P. B. Patil, Advocate for appellant/applicant
Shri A. B. Nakshane, Advocate for respondent Nos.1,4
and 5.
Ms S. Haider, AGP for respondent Nos.6 and 7.

CORAM : DR S.S. PHANSALKAR-JOSHI, J.

DATE : JUNE 07, 2017

This is an application filed by V.I.D.C. seeking permission to file an appeal. By seeking remedy in reference proceedings, the claimant has made the Executive Engineer, Bembla Project, Yavatmal as party respondent instead of V.I.D.C. Nagpur. However, the said Executive Engineer has acted on behalf of V.I.D.C. Nagpur. In view of Section 3 of V.I.D.C. Act, the V.I.D.C. can sue and be sued in its corporate name only. Hence necessary permission is sought to that effect.

The application having been formal in nature and as the learned counsel for respondent Nos.1,2,4 and 5 has no objection, the same is allowed. The applicant is permitted to file appeal against judgment and award dated 08/02/2012 passed by Civil Judge, Senior Division, Yavatmal in L.A.C. No.360/2005 in the name of

V.I.D.C., Nagpur.

Application is disposed of.

C.A.F. No.2425 of 2014

This is an application for condonation of delay of 478 days in preferring first appeal against judgment and award dated 08/02/2012 passed by Civil Judge, Senior Division, Yavatmal in L.A.C. No.360/2005.

Heard the learned counsel for the applicant, learned counsel for respondent Nos.1,2,4 and 5 and learned Assistant Government Pleader for respondent Nos.6 and 8. The application is already dismissed against respondent No.3.

For the reasons stated in paragraphs 2 to 4 as sufficient cause is made out for condonation of delay, application is allowed. Office is directed to register the appeal. Application is disposed of.

F.A.St. No.2957 of 2014

Heard. **Admit.**

Call for record and proceedings.

Shri A. B. Nakshane, learned counsel waives notice on behalf of respondent Nos.1,2,4 and 5. Learned Assistant Government Pleader waives notice for respondent Nos.6 and 7.

Appellant to file paper-book within six months.

C.A.F. No.2426 of 2014

Heard learned counsel for the appellant, learned counsel for respondent Nos.1,2,4 and 5 and learned

Assistant Government Pleader for respondent Nos.6 and 7.

Learned counsel for the appellant submits that the entire amount of compensation would be deposited in this Court within period of twelve weeks from today. In view of the said statement, stay is granted to the execution of impugned judgment and award subject to the condition that the amount would be deposited within the stipulated period and on failure to do so, the stay granted would be automatically vacated without reference to the Court.

The application thus stands finally disposed of.

JUDGE