

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

CIVIL APPLICATION (CAF) NO.3433 OF 2016
IN
FIRST APPEAL ST. NO.16873 OF 2016

VIDC, Thr. Its Executive Engineer, Purna Medium Project Dvn. Achalpur, Dist. Amravati

-vs-

Gosavi Tunaji Khandarkar 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 J. B. Kasat, Advocate for applicant/appellant.
Shri Shinde, Advocate for respondent No.1.
Ms K. R. Deshpande, AGP for respondent Nos.2 and 3.

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

DATE : JUNE 07, 2017

As per office note, the application stands dismissed for default against respondent No.1. Learned counsel Shri Shinde appears today for respondent No.1 and hence the order of dismissal of appeal for default against respondent No.1 is recalled and set aside. Application is restored against respondent No.1.

Heard learned counsel for the applicant. It is submitted that first appeal was filed in the name of Executive Engineer. Now the applicant V.I.D.C. being a corporate body, as per the provisions of Section 3 of the V.I.D.C., Act, it may be allowed to be impleaded as party in this appeal.

In view of the submissions and the reasons given in the application, the application is allowed. The applicant is granted leave to file appeal in its own name. Application is disposed of finally.

C.A.F. No.2296 of 2017

This is an application for condonation of delay of 280 days in

preferring the first appeal.

For the reasons given in paragraphs 2, 3 and 4 of the application, as the sufficient cause is made out and as the learned counsel for respondent No.1 has no objection, the application is allowed. Delay is condoned. Office is directed to register the appeal.

F.A. St. No.16873 of 2016

Heard.

Admit.

Call for record and proceedings.

Shri Shinde, learned counsel waives notice on behalf of respondent No.1. Learned Assistant Government Pleader waives notice on behalf of respondent Nos.2 and 3. Appellant to file paper-book within six months.

C.A.F. No.2297 of 2017

As per order passed by this Court on 30/11/2016, ad interim stay was granted to the execution of the judgment and award passed by the Reference Court subject to deposit of the entire decretal amount within twelve weeks. Till today the said amount is not deposited. However, learned counsel for the appellant submits that he is having the cheque in his hand and he would deposit the same within one week. In view of this statement, ad interim stay is extended accordingly subject to deposit of the entire decretal amount within one week from today.

Application is disposed of.

JUDGE