

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

C.A.F. No. 228/2016 IN FIRST APPEAL ST. No. 19829/2015

SHARAD GANPAT POKALHE -vs- STATE OF MAHA. THROUGH COLLECTOR, YAVATMAL AND
OTHERS.

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

Court's or Judge's Orders.

Shri A.B. Nakshane, counsel for appellant.
Shri M.A. Kadu, AGP for respondent nos.1 and 2.
Shri Godbole, counsel for respondent no.3.

CORAM : DR S.S.PHANSALKAR-JOSHI, J.
DATE : JUNE 19, 2017

Heard learned counsel for appellant.

As per office note, matter is dismissed against
respondent no.3 vide order dated 22/03/2016.

However, today, learned counsel Shri
Godbole, appears for respondent no.3, and hence,
matter is restored against respondent no.3.

Heard learned counsel for appellant/
applicant, learned AGP for respondent nos.1 & 2, and
learned counsel for respondent no.3.

The delay in the matter is of 3081 days in
preferring the first appeal. Learned counsel for the
appellant submitted that in identical circumstances this
Court has allowed the application and condoned the
delay invited with the attention of this Court to the
various orders passed by this Court including the order
dated 25/07/2016 passed in C.A.F. No. 501/2016 in

First Appeal St. No. 22990/2015.

Learned counsel for respondent no.3 opposed the application.

However, in view of the order passed in identical matters, the delay is condoned with a clarification that appellant/applicant shall not be entitled for any interest accrued on enhanced amount from the period of the impugned judgment till this date.

Application is allowed and finally disposed of.

FIRST APPEAL ST. No. 19829/2015.

Heard.

ADMIT.

Call for Record and Proceedings.

Learned AGP waives service of notice on behalf of respondent nos.1 and 2.

Learned counsel Shri Godbole waives service of notice on behalf of respondent no.3.

Appellant to file private paper book within six months after receipt of Record and Proceedings.

JUDGE