

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

CIVIL APPLICATION (CAF) NO.2868/2018 IN FA ST.NO.1324/2018
VIDC, thr. the Executive Engineer, Bembla Project Awadhootwadi, Yavatmal,
District Yavatmal and anr

..VS..

Mohd. Sajid Abdul Razzak and ors

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

Court's or Judge's Order

.....
Shri M.A. Kadu, Counsel for the applicants.
Shri I.J. Damle, AGP for non-applicant Nos.2 & 3.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 28, 2018.

1. This is an application for condonation of delay in preferring an appeal challenging judgment and award dated 19.9.2016 passed by learned 3rd Joint Civil Judge Senior Division, Yavatmal in Land Reference No.91/2010. There was delay of 390 days.
2. Heard learned counsel Shri M.A. Kadu for the applicants.
3. Though the application is coming for the first time, in view of Pursis, vide Stamp No.13413/2018, filed for withdrawal of the appeal itself, there is no need for issuance of Notice to non-applicant No.1/claimant. Non-applicant Nos.2 and 3/State are represented by learned Assistant Government Pleader Shri I.J. Damle.

4. For the reasons stated in the application, the application is allowed. Delay is condoned. Office to register the first appeal. The civil application stands disposed of accordingly.

FA ST.NO.1324/2018

1. Heard learned counsel Shri M.A. Kadu for the appellants and learned Additional Public Prosecutor Shri I.J. Damle for respondent Nos.2 and 3/State.

2. By the present appeal, the appellants/Vidarbha Irrigation Development Corporation, thr. the Executive Engineer, Bembla Project, Yavatmal, District Yavatmal are challenging judgment and award dated 19.9.2016 passed by learned 3rd Joint Civil Judge Senior Division, Yavatmal in Land Reference No.91/2010.

3. When this matter was taken up for admission, learned counsel Shri M.A. Kadu for the appellants invited my attention to Pursis, vide Stamp No.13413/2018, filed for withdrawal of the appeal itself.

4. Consequently, the first appeal is disposed of as withdrawn.

5. The appellants have deposited entire decretal amount before the Reference Court. Respondent No.1/claimant will be entitled to withdraw the decretal amount.

CAF No.2869/2018

1. Since the first appeal is disposed of as withdrawn,

no orders are necessary on this application.

2. The civil application is disposed of as infructuous.

JUDGE

!! BRW !!