

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

CIVIL APPLICATION (CAF) NO.2273/2016

AND

CIVIL APPLICATION (CAF) NO.3105/2016

IN

FA ST.NO.1212/2016

VIDC, thr. its Executive Engineer, Bembla Project Division, District Yavatmal

..VS..

Yogiraj Pundlikrao Gopal and ors

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

Court's or Judge's Order

.....
Shri J.B. Kasat, Counsel for the applicant.
Shri R.D. Hajare, Counsel for non-applicant Nos.1(i) to 1(iv).
Shri I.J. Damle, AGP for non-applicant Nos.2 & 3.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 8, 2018.

1. Civil Application No.2273/2016 is moved by the Vidarbha Irrigation Development Corporation seeking leave to file an appeal.
2. On 26.7.2016, Notices on this application were issued. In pursuance to the said, learned counsel Shri R.D. Hajare appears for non-applicant Nos.1(i) to 1(iv).
3. In view of the law laid down by the Honourable Apex Court in the case of Vidarbha Irrigation Development Corporation ..vs.. Santosh Janba Warghane and anr, reported at 2017(4) Mh.L.J. 64, leave to file the appeal is granted.

4. The civil application stands disposed of accordingly.

CIVIL APPLICATION (CAF) NO.3105/2016

1. This is an application for condonation of delay in preferring an appeal.

2. Notices on this application were already issued and in pursuance to the said learned counsel Shri R.D. Hajare appears for respondent Nos.1(i) to 1(iv).

3. Learned counsel Shri Hajare, strongly opposes the present application for condonation of delay orally. However, there is no reply to the averments made on affidavit by the appellant.

4. In that view of the matter and having heard learned counsel for the parties, I am satisfied that the appellant has made a case for condonation of delay.

5. Hence, for the reasons stated in the application, the application is allowed. Delay is hereby condoned. Office to register the first appeal. The civil application stands disposed of accordingly.

FAST.NO.1212/2016

1. Heard.

2. ADMIT.

3. The record and proceedings be called for.

4. Learned counsel Shri R.D. Hajare waives service for respondent No.1(i) to 1(iv) and learned Assistant Government Pleader Shri I.J. Damle waives service for respondent Nos.2 and 3.

JUDGE

!! BRW !!

...../-