

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

CAF NO.3053/2018 IN FA ST.NO.2733/2018

VIDC, thr. its Executive Engineer, Bembla Project Awadhootwadi, Yavatmal, District
Yavatmal and anr

..VS..

Girija Champatrao Durge 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 Amit Balpande, AGP for Respondent Nos.4 & 5.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 11, 2018.

1. Heard learned counsel Shri M.A. Kadu for the applicants. Learned Assistant Government Pleader Shri Amit Balpande waives service for non-applicant Nos.4 and 5. Notices to non-applicant Nos.1 to 3 are dispensed with in view of the fact that the applicants have filed a Pursis for withdrawal of the first appeal itself.
2. Hence, for the reasons stated in the application, the application is allowed. Delay of 261 days caused in filing the first appeal is hereby condoned. Office is directed to register the first appeal. The civil application stands disposed of accordingly.

FA ST.NO.2733/2018

1. Heard learned counsel Shri M.A. Kadu for the appellants and learned Assistant Government Pleader Shri Amit Balpande for respondent Nos.4 and 5. None for respondent Nos.1 to 3/claimants.
2. When the present appeal is taken up for consideration, learned counsel Shri M.A. Kadu for the appellants submits that the appellants have filed a Pursis vide Stamp No.14202/2018 for withdrawal

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of the first appeal.

3. In view of the said Pursis and in view of the oral submissions made by learned counsel Shri M.A. Kadu for the appellants, the appellants are permitted to withdraw the present first appeal.

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 Accordingly, the first appeal is disposed of as withdrawn.

5. Needless to mention that the appellants will be entitled for refund of the Court Fees as are admissible under the Rules.

6. Learned counsel Shri M.A. Kadu for the appellants submits that he has instructions to make a submission that the appellants will be depositing entire decretal amount before the Reference Court within a period of three months from today. The Statement is accepted.

7. Since the claimants are not before this Court, the Reference Court is directed that after the amount is deposited by the appellants, the Reference Court shall issue Notices to the claimants and after the said are served, the Reference Court should permit the claimants to withdraw the amount.

8. Since the first appeal is disposed of as withdrawn, Civil Application No.3054/2018 has rendered as infructuous and is disposed of as such.

JUDGE

!! BRW !!

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