

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

CIVIL APPLICATION (CAF) NO.2195/2016

AND

CIVIL APPLICATION (CAF) NO.336/2017

IN

FA ST.NO.3537/2016

VIDC, thr. Executive Engineer, Washim

..VS..

Vitthal Motiram Navghare and anr

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

Court's or Judge's Order

.....
Shri Vinay Dahat, Counsel for the applicant.
Shri I.J. Damle, AGP for non-applicant No.2.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 28, 2018.

1. This is an application filed on behalf of the Vidarbha Irrigation Development Corporation, seeking leave to file an appeal.
2. Notices on this application were already issued on 22.12.2016. Office note shows that non-applicant No.1 is served. However, nobody is appearing on his behalf. Learned Assistant Government Pleader Shri I.J. Damle appears for non-applicant No.2/State.
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 another, reported at 2017(4) Mh.L.J. 64, the application is allowed. Leave is granted to

applicant/VIDC to file appeal challenging judgment and decree dated 30.6.2015 passed by learned Joint Civil Judge Senior Division, Washim in LAC No.79/2012.

4. The Civil application is disposed of accordingly.

CAF NO.336/2017

1. This is an application for condonation delay in preferring the appeal. Delay is of 106 days.

2. Notices on this application were issued on 22.12.2016. In spite of service of non-applicant No.1, nobody is appearing on his behalf. The statement of facts on affidavit has remained uncontroverted. Learned Assistant Government Pleader Shri I.J. Damle appears for non-applicant No.2/State.

3. In view of the uncontroverted facts made in the application, the application is allowed. Delay caused in preferring the appeal is hereby condoned. Office to register the first appeal. The civil application stands disposed of accordingly.

FA St.No.3537/2016

1. Heard.

2. ADMIT.

3. The record and proceedings be called for.

4. Learned Assistant Government Pleader Shri I.J. Damle waives service for respondent No.2/State.

JUDGE