

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

CIVIL APPLICATION (CAF) NO.917 OF 2018

IN

FIRST APPEAL NO. 951 OF 2017

(EXECUTIVE ENGINEER, BEMBLA PROJECT DN....VS.. AJAY JAGANNATH MOHAKAR & OTH.)
 WITH

CIVIL APPLICATION (CAF) NO.895 OF 2018

IN

FIRST APPEAL NO. 986 OF 2017

(EXECUTIVE ENG., K.P.PRAKALP DEULGAON RAJA...VS.. GAMBHIRRAO RAOSAHEB WAYAL & OTH.)

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

Court's or Judge's orders

Shri N.M.Gaidhane and Shri Anoop Parihar, Adv. for Appellants.
 Shri S.U.Nemade, Advocate for Respondent Nos.1 to 5 (FA 951/17)
 Shri S.Y.Deopujari, A.G.P. for Respondents/State.

CORAM : Z.A.HAQ, J.

DATED : MARCH 05, 2018.

In First Appeal No. 951 of 2017, Civil Application No. 917 of 2018 is filed under the signature of Shri N.M. Gaidhane, advocate and solemnly affirmed by Shri Rahul Kisanrao Bharne, Executive Engineer, Bembla Project. This is an unusual step taken on behalf of the Executive Engineer, Bembla Project. Normally, this Court grants adjournment on oral request made by the parties or advocates representing the parties. However, the Executive Engineer, Bembla Project has filed this civil application praying for adjournment.

According to the Executive Engineer, Bembla Project, now, the case is allotted to Shri N.M. Gaidhane, advocate, however, as Shri Anoopsingh Parihar, advocate earlier appeared in this appeal, the case papers are with him and he is not returning the case papers.

In First Appeal No. 986 of 2017, Civil Application No. 895 of 2018 is filed by Shri Anoop Mohansingh Parihar, advocate again with an unusual prayer that he be permitted to represent Vidarbha Irrigation Development Corporation/ Executive Engineer in appeals in which he is appearing. It is further prayed that the Registry of this Court be directed that it should not act on the letter dated 18th January, 2018 by which Shri V.G. Palshikar, advocate, has informed the Registry of this Court that the appointment of Shri Anoopsingh Parihar, Advocate on the panel of Vidarbha Irrigation Development Corporation is terminated.

Since the present assignment started, i.e. from 26th February, 2018, in several appeals in which Shri Anoopsingh Parihar, advocate appears for Vidarbha Irrigation Development Corporation / Executive Engineer, adjournments are sought by the advocates who are now putting in appearance, the ground for adjournment being that papers are with Shri Anoopsingh Parihar, advocate and he is not handing over the papers to the newly appointed advocates.

Both sides made various submissions making allegations against each other which, in my view, are not relevant at this stage and therefore, they are not being reproduced.

Faced with this situation, I called Shri S.Y. Deopujari, learned Government Pleader and sought his assistance to resolve the situation of stalemate. At one stage, I thought of proceeding with the matter and passing

appropriate orders on merits after hearing the learned advocate for the claimants, however, Shri S.Y. Deopujari, learned Government Pleader requested for grant of adjournment for one week stating that he would make efforts to workout the situation.

Unfortunately, the Vidarbha Irrigation Development Corporation/ Executive Engineer has not taken any steps as per the Bombay High Court Appellate Side Rules, 1960.

Hearing of these appeals is deferred till **13th March, 2018.**

Copy of this order be given to the parties as per Rules.

JUDGE

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