

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

CAF NO.283/2018 IN FA ST.NO.5502/2017

Executive Engineer, Irrigation Project Bembla, Yavatmal Division, District Yavatmal

..VS..

Sambhaji Bairam Wanjari 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 applicant.
Shri Amit Balpande, AGP for non-applicant Nos.2 & 3.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 11, 2018.

1. This is an application for condonation of delay in preferring an appeal. Delay is of 494 days.
2. Heard learned counsel Shri M.A. Kadu for the applicant.
3. Learned Assistant Government Pleader Shri Amit Balpande waives service for non-applicant Nos.2 and 3. Notice to non-applicant No.1 is dispensed with in view of the fact that learned counsel Shri M.A. Kadu for the applicant is submitting that the applicant-VIDC is withdrawing the present appeal.
4. The civil application is allowed. The delay is hereby condoned. Office to register the first appeal. The civil application stands disposed of.

FA ST.NO.5502/2017

1. When the appeal is taken up for admission, learned counsel Shri M.A. Kadu for the appellant submitted that the dispute arising in the appeal is amicably settled on 9.12.2017 in the Maha- Lok Adalat and, therefore, the appeal be withdrawn.
2. Since as per compromise enhanced compensation is

already paid to respondent No.1, the written instruction is placed on record by learned counsel Shri M.A. Kadu for the appellant and the said is taken on record and marked as "Exhibit X" for the purposes of identification.

3. Learned Assistant Government Pleader Shri Amit Balpande for respondent Nos.2 and 3 has no objection if the appeal is permitted to be withdrawn.

4. The first appeal is disposed of as withdrawn.

5. The appellant will be entitled for refund of the Court Fees as are admissible under the Rules.

6. Since the appeal itself is disposed of as withdrawn, Civil Application (CAF) No.284/2018 has rendered infructuous and is disposed of as such.

JUDGE

!! BRW !!