

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

CAO NO.1809/2018 IN FA ST. NO.23396/2014
Vidarbha Irrigation Development Corporation, thr. its Executive Engineer, Minor
Irrigation Division No.2, Akola
..VS..
Shaligram Namdeo Raut and ors

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

Court's or Judge's Order

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Shri J.B. Kasat, Counsel for the applicant/appellant.
Shri M.V. Bute, Counsel for respondent Nos.2 to 11.
Shri S.B. Bissa, AGP for respondent No.12/State.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 8, 2018.

1. This application is moved by appellant-Vidarbha Irrigation Development Corporation, for recalling of order dated 3.10.2018 and for withdrawal of the present first appeal. By the said order dated 3.10.2018, it was directed the Executive Director of Vidarbha Irrigation Development Corporation to personally remain present before this Court on 11.10.2018.
2. I have heard learned counsel Shri J.B. Kasat for the appellant, learned counsel Shri M.V. Bute for the claimants, and learned Assistant Government Pleader Shri S.B. Bissa for respondent No.12.
3. The present application is duly affirmed by Kailash s/o Himmatraoji Thakare, Executive Engineer, Minor Irrigation

Division, Akola. It is explained by him that in fact entire amount was already deposited before the Reference Court. However, due to mis-communication at the hands of the VIDC, the said fact was not intimated to learned counsel Shri J.B. Kasat for the appellant on 3.10.2018.

4. Further, by the present application, the appellant prays for withdrawal of the first appeal itself.

5. Since there was no follow up to higher-up of Vidarbha Irrigation Development Corporation, I recall order dated 3.10.2018 directing the Executive Director of Vidarbha Irrigation Development Corporation to personally remain present before this Court on 11.10.2018. It is made clear that the Executive Director of Vidarbha Irrigation Development Corporation need not remain present in the present matter on 11.10.2018.

6. In view of prayer made in prayer clause (B) of the present application and in view of oral submission made by learned counsel Shri J.B. Kasat for the appellant, the present appeal is allowed to be withdrawn.

7. Consequently, the present application is allowed and disposed of in aforesaid terms.

CAO No.538/2016

1. The present application is for setting aside abatement, brining legal representatives on record and for

condonation of delay.

2. For the reasons stated in the application, the application is allowed. Abatement is aside and legal heirs be brought on record.

3. The civil application stands disposed of.

4. The claimants will be entitled to withdraw the amount deposited by the VIDC before the Reference Court.

5. Needless mention that the appellant will be entitled for the Court Fees as is admissible under the Rules.

JUDGE

!! BRW !!

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