

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

CIVIL APPLICATION NO.2697/2018 IN FIRST APPEAL ST.NO.7467/2018

V.I.D.C. Minor Irrigation Division, Washim .vs. Sitaram s/o Kaniram Ade and anr.

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

Court's or Judge's orders.

Mr. U. A. Patil, Advocate for applicant.
Mr. A. Darekar, Advocate for non applicant no.1.
Mr. A. Balpande, A.G.P. for non applicant no.2.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 23, 2018

This is an application filed by the appellant-Vidarbha Irrigation Development Corporation, seeking leave to file appeal. On this application, notices were issued and in pursuant to that, Mr. Darekar, Advocate is appearing for non applicant no.1.

I have heard Mrs. Patil, learned counsel for the applicant, Mr. Darekar, learned counsel for non applicant no.1 and Mr. Balpande, learned A.G.P. for non applicant no.2.

In view of the law laid down by the Hon'ble Apex Court in **Vidarbha Irrigation Development Corporation .vs. Santosh Janba Warghane & anr.;** reported in **2017 (4) Mh. L. J. 64**, the application is allowed. Leave is granted to the applicant to file the appeal. The application is disposed of.

Civil Application No.7469/2018

This is an application for condonation of

delay in preferring appeal filed by the appellant. Delay is of 58 days. Notices on this application were issued.

Heard Mrs. Patil, learned counsel for the applicant, Mr. Darekar, learned counsel for non applicant no.1 and Mr. Balpande, learned A.G.P. for non applicant no.2.

After hearing the respective counsel and for the reasons stated in the application, the application is allowed. Delay of 58 days in filing the appeal is condoned. Office is directed to register the appeal.

The application is disposed of.

First Appeal Stamp No. 7467/2018

Heard Mrs. Patil, learned counsel for the appellant.

ADMIT. Call for the record and proceedings.

Mr. Darekar, learned counsel waives notice for respondent no.1 and Mr. Balpande, learned A.G.P. waives notice for respondent no.2.

Civil Application No.7470/2018

This is an application for stay.

In view of the statement made by Mr.Darekar, learned counsel for non applicant no.1 that the applicant has not deposited the entire decretal amount place this application for consideration on 30.10.2018.

JUDGE