

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

CIVIL APPLICATION NO.83/2018 IN FIRST APPEAL ST. NO.7981/2017
 Executive Engineer, Bembla Project Division, Yavatmal and anr. .vs. Subhash
 Bhaduji Gandhe and ors.

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

Court's or Judge's orders.

Mr. M. A. Kadu, Advocate for applicants.
 Mr. A. Balpande, A.G.P. for respondent nos. 4 and 5.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 12, 2018

This is an application for condonation of delay in
 filing the appeal.

Heard Mr. Kadu, learned counsel appearing for
 the applicant-VIDC and Mr. Balpande, learned A.G.P. for non
 applicant nos. 4 and 5. Notice to other non applicants need
 not be issued in view of the fact that since according to
 counsel for appellant the issue involved in appeal is already
 decided by this Court. Hence, the delay is hereby condoned.
 Office is directed to register the appeal.

First Appeal Stamp No. 7981/2017

During the course of hearing, learned counsel for
 the appellant fairly pointed out the judgment delivered by
 this Court in First Appeal No.763/2017 (Coram: Z.A.Haq, J.)
 and submitted that Section 4 notification in the present case
 and Section 4 notification in First Appeal No.763/2017 is
 one and the same and lands and appellants are also from the
 same village.

Hence, for the reasons recorded in First Appeal No.763/2017, the present appeal is dismissed. However, there shall be no order as to costs.

Mr. Kadu, learned counsel for the appellant, submits that the appellant will be depositing the balance decretal amount before the reference Court within four weeks from today.

On the amount so deposited by the appellant, the learned reference Court is directed to issue notice to the original claimant and permit them to withdraw the said amount.

JUDGE

kahale