

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

CIVIL APPLICATION NO.3026/2018
IN FIRST APPEAL ST.NO.9388/2016

Executive Engineer, Minor Irrigation Division, Washim .vs. Haribhau
Kashiram Navghare & ors.

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

Court's or Judge's orders.

Mr. P. B. Patil, Advocate for applicant.
Mr. I. Damle, A.G.P. for non applicant no.2.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 1, 2018

This is an application for condonation of delay in filing the appeal. Notices on this application were issued. Though the notice is duly served on non applicant no.1-Haribhau Kashiram Navghare, none appears for him. Learned A.G.P. appears for non applicant no.2.

Heard Patil, learned counsel for the applicant. For the reasons stated in the application, the application is allowed. Delay of 174 days in filing the appeal is condoned. Office is directed to register the appeal.

First Appeal Stamp No. 9388/2016

Heard Mr. Patil, learned counsel for the appellant and Mr. Damle, learned A.G.P. for the respondent no.2-State.

When this appeal is taken up for hearing, Mr.Patil, learned counsel for the appellant, filed a puris along with written instructions given by the appellant to

him, for withdrawal of the present appeal. The said pursis along with documents is taken on record and marked "X" for identification.

In view of the submissions made by learned counsel for the appellant on instructions from the appellant, the present appeal is disposed of as withdrawn.

Mr. Patil, learned counsel for the appellant, submits that within four weeks the appellant will be depositing the entire decretal amount before the reference Court.

If the amount is deposited within four weeks, the learned reference Court shall issue notice to respondent no.1-Haribhau Kashiram Navghare and permit him to withdraw the entire amount along with interest accrued thereon.

Needless to mention that the appellant will be entitled for refund of the Court fees, as admissible under the Rules.

JUDGE