

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

CAF NO.3086/2018 IN FA ST.NO.10761/2018
Executive Engineer, Bembla Canal Division (VIDC) Yavatmal, District
Yavatmal and anr

..VS.

Anjana Tukaram Moon, thr. LR's Ashok Tukaram Moon and ors

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

Court's or Judge's Order

Shri V.G. Palshikar, Counsel for the applicants.
Mrs. Mrunal Naik, AGP for non-applicant Nos.5 and 6.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 22, 2018.

1. This is an application for condonation of delay in filing an appeal. Delay is of 352 days.
2. Heard learned counsel Shri V.G. Palshikar for the applicants who submits that he has already filed a Pursis for withdrawal of the appeal. In that view of the matter, Notices to non-applicant Nos.1 to 4 are dispensed with. Non-applicant Nos.4 and 5 are represented by learned Assistant Government Pleader Mrs. Mrunal Naik.
3. For the reasons stated in the application, the application is allowed and disposed of. Office to register the first appeal.

FA ST.NO.10761/2018

1. When the present appeal is taken up for consideration, learned counsel Shri V.G. Palshikar for the

appellant submitted that the appellant has filed Pursis vide Stamp No.14713/2018 along with written communication addressed to him by the Executive Engineer, Bembla Canal Division, Yavatmal by which he is instructed to withdraw the present appeal.

2. In that view of the matter, the appeal needs to be disposed of as withdrawn.

3. Learned counsel Shri V.G. Palshikar for the appellant submits that principle amount under the award is deposited before the Reference Court. He also submits that within a a period of 8 weeks from today the interest will be deposited.

4. Since the original claimants are not before this Court, the Reference Court is directed to issue Notices to the the claimants and permit them to withdraw the principle amount as well as interest amount that will be depositing by the appellants.

5. With this, the first appeal is disposed of as withdrawn.

6. Needless to mention that the appellant will be entitled for refund of the Court Fees as is admissible under the Rules.

JUDGE

!! BRW !!

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