

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

CAF NO.1528/2018 IN FA ST.NO.12368/2016
The Executive Engineer, Bembla Project Division, Yavatmal
..VS..
Sureshchandra Shantilal Suchak and ors

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

Court's or Judge's Order

.....
Shri M.A. Kadu, Counsel for the applicant.
Shri A.B. Nakshane, Counsel for non-applicant No.1.
Shri Amit Balpande, AGP for non-applicant Nos.2 and 3.

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 224 days.
2. Heard learned counsel Shri M.A. Kadu for the applicant.
3. Notices on this application were already issued and in pursuance to the said, learned counsel Shri A.B. Nakshane appeared for non-applicant No.1 and learned Assistant Government Pleader Shri Amit Balpande appeared for non-applicant Nos.2 and 3.
4. Learned counsel Shri Nakshane fairly submits that he has no objection for allowing the present application.
5. Hence, for the reasons stated in the application, the application is allowed. The delay is hereby condoned. Officer to register the first appeal. The civil application

stands disposed of accordingly

FA ST.NO.12368/2016

Heard. **ADMIT**. The record and proceedings be called for. Learned counsel Shri A.B. Nakshane waives service for respondent No.1 and learned Assistant Government Pleader Shri Amit Balpande waives service for respondent Nos.2 and 3.

Civil Application No.1529/2018

1. This is an application for grant of Stay.
2. The appellant has filed the present appeal challenging judgment and decree dated 16.12.2014 passed by learned 3rd Joint Civil Judge Senior Division, Yavatmal in Land Reference No.168/2008 whereby the reference under Section 18 filed by respondent No.1 is partly allowed.
3. The appellant has filed a Pursis vide Stamp No.14849/2018 along with communication addressed to learned counsel for the appellant pointing out that the appellant has already deposited Rs.75,67,571/- before the Reference Court towards part satisfaction of the decree. Learned counsel Shri A.B. Nakshane for respondent No.1 states that he has instructions to make a statement that the said amount is not withdrawn.
4. In view of the fact that the appellant has deposited substantial amount before the Reference Court, there shall be Stay to the effect and execution of the judgment and decree dated 16.12.2014 passed by learned 3rd Joint Civil Judge Senior Division, Yavatmal in Land

.....3/-

Reference No.168/2008.

5. With this, the civil application stands disposed of accordingly.

JUDGE

!! BRW !!