

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

CAF NO.322/2018 IN FA ST.NO.12268/2017
Executive Engineer (VIDC) Akola Irrigation Division, Akola, District Akola and anr
..VS..
Kalpana w/o Jitendra Chitlange and anr

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

Court's or Judge's Order

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Shri K.P. Mahalle, Counsel for the applicants.
Shri S.C. Mehadia, Counsel for non-applicant No.1.
Shri K.R. Lule, AGP for non-applicant No.2.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 11, 2018.

1. This is an application for condonation of delay in filing the first appeal. Delay is of 355 days.
2. Heard learned counsel Shri K.P. Mahalle for the applicants.
3. Learned counsel Shri S.C. Mehadia *suo motu* waives service for non-applicant No.1-original claimant. Learned Assistant Government Pleader Shri K.R. Lule waives service for non-applicant No.2/State.
4. Though the present application is vehemently opposed by learned counsel Shri S.C. Mehadia for non-applicant No.1, in view of the statement of facts made on affidavit by the Executive Engineer, I am satisfied that the applicants have made out a case for condonation of delay.
5. Hence, for the reasons stated in the application, the application is allowed. Delay is hereby condoned. Office to register the

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first appeal. The civil application stands disposed of accordingly.

FA ST.NO.12268/2017

1. Heard learned counsel Shri K.P. Mahalle for the appellants.
2. Issue Notices to the respondents.
3. Learned counsel Shri S.C. Mehadia *suo motu* waives service for respondent No.1 and learned Assistant Government Pleader Shri K.R. Lule waives service for respondent No.2.
4. Learned counsel Shri S.C. Mehadia for respondent No.1 submits that he will be filing his submission opposing admission itself.
5. Put up the present appeal for admission after **Diwali Vacations 2018**.

CAF No.323/2018

1. This is an application for grant of Stay. The said application will be considered only after depositing of the entire decretal amount before this Court by the applicants-appellants.
2. Learned counsel Shri K.P. Mahalle for the applicant-appellants submits he has instructions to make a submission that the appellants-appellants will be depositing entire decretal amount before this Court within a period of 2½ months from today. The Statement is accepted.

JUDGE

!! BRW !!

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