

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

CAF No.3536/2017

in

First Appeal St.12554/2017

**(V.I.D.C. Through its Executive Engineer, Yavatmal Project Construction
Division, Yavatmal and another .vs. Shivling Januappa Mandulkar & ors)**

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

Court's or Judge's orders.

Mr. J.B. Kasat, Advocate for Applicants.
 Mr. R.J.Shinde, Advocate for Respondent No.1.
 Mrs. M.A. Barabde, AGP for Respondent Nos.2 & 3.

CORAM : Manish Pitale, J.

DATED : February 12, 2018.

Heard counsel for the parties. The respondents have appeared through their counsel.

This is an application for grant of leave to file the appeal. The applicants-appellants are the acquiring body and it is an interested person on the question of quantum of compensation payable to the respondent no.1-claimant. Therefore, this application is allowed and the applicants-appellants are granted leave to file appeal.

Civil Application No. 4569/2017

This is an application for condonation of delay in filing the accompanying appeal. For the reasons stated in the application, the same is allowed and the delay is condoned.

Civil Application No. 4570/2017

This is an application for grant of stay of the impugned judgment and award passed by the Reference Court. While issuing notice on this application, this Court had granted such interim stay subject to the

appellants' depositing the entire amount in this Court within a period of 12 weeks. Since the amount has been deposited by the appellants, the interim order granted on 31.08.2017 is confirmed and this application is disposed of.

Civil Application No. 275/2018

This is an application for withdrawal of the amount of compensation filed on behalf of the respondent no.1-claimant. For the reasons stated in the application, the same is allowed and the said respondent is permitted to withdraw 50% of the amount deposited by the appellants in this Court, on his furnishing usual undertaking and is further permitted to withdraw remaining 50% of the amount on his furnishing solvent surety to the satisfaction of the learned Registrar (Judicial).

First Appeal St. No.12554/2017

Heard.

Admit.

Mr. R.J. Shinde, learned counsel waives notice on behalf of respondent no.1 and Mrs. Barabde, learned AGP waives notice on behalf of respondent Nos. 2 and 3.

Call for R. & P.

The learned counsel for the appellants shall file private paper book within a period of six months.

JUDGE