

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

CIVIL APPLICATION (CAF) NO.313/2017

IN

FA ST.NO.10125/2016

Vidarbha Irrigation Development Corporation, thr. its Executive Engineer,
Khadakpurna Project Division, District Buldhana

..VS..

Bhimrao Shripat Bhanuse and ors

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

Court's or Judge's Order

.....
Shri J.B. Kasat, Counsel for the applicant.
Shri K.P. Sadavarte, Counsel for non-applicant Nos.1(1-A & 1-B), 2,
3, 4(4-A), 4-B(4-B(i) to 4-B(iv)/claimants.
Shri K.R. Lule, AGP non-applicant No.5/State.

CORAM : MRS. SWAPNA JOSHI, J.

DATED : JULY 20, 2018.

1. This is an application for condonation of delay of 290 days caused in filing an appeal.
2. Heard learned counsel for the parties.
3. Having heard learned counsel for the parties and gone through the contents in the application, I am convinced that the delay is satisfactorily explained. Delay of 290 days caused in filing the appeal stands condoned. Office to register the first appeal.
4. The civil application stands disposed of accordingly.

Civil Application (CAF) No.3694/2016

1. This is an application for grant of leave to file an appeal.

2. Heard learned counsel for the parties.
3. Having heard learned counsel for the parties and gone through the contents in the application, I am satisfied that leave to file the appeal can be granted. Leave to file the appeal is granted.
5. The civil application stands disposed of accordingly.

Civil Application (CAF) Nos.1033 & 1147/2018

1. These applications are for setting aside abatement, bringing legal heirs of deceased non-applicant Nos.1 and 4 on record and for condonation of delay.
2. Heard learned counsel for the parties.
3. For the reasons mentioned in the applications, the applications are allowed. Delay of 531 and 232 days caused in filing the present applications is condoned. Abatement of appeal so far it relates to non-applicant Nos.1 and 4 is set aside. Proposed legal heirs of non-applicant Nos.1 and 4 be brought on record. Necessary amendment be carried out accordingly within a period of one week.
4. The civil applications are disposed of.

First Appeal No...../2018

1. Heard.
2. ADMIT.
3. The record and proceedings be called for.
4. Learned counsel Shri K.P. Sadavarte waives service on behalf of the claimants and learned Additional Public Prosecutor

Shri K.R. Lule waives service on behalf of the State.

Civil Application (CAF) No.314/2017

1. This is an application for grant of stay.
2. Learned counsel Shri J.B. Kasat for the applicant/appellant submits that on 24.11.2016 he has deposited decretal amount of Rs.6,69,586/-.
3. Having heard learned counsel for the parties, I am satisfied that the case is made out for grant of Stay.
4. In view of the fact that decretal amount has been deposited, the application stands allowed. Till disposal of the appeal, there shall be Stay to the effect and operation of the impugned judgment and award dated 18.4.2015 passed by learned 2nd Joint Civil Judge Senior Division, Buldana in LAC No.162/2010.

Civil Application (CAF) No.30472017

1. This application is filed by the claimants for withdrawal of amount deposited by the appellant before this Court.
2. Heard learned counsel for the parties.
3. Having heard learned counsel for the parties and gone through the contents in the application, I am convinced that the application can be allowed.
4. The application is allowed. Upon the claimants furnishing an usual undertaking to the satisfaction of the Register (J) of this Court, they shall be permitted to withdraw 50% of the deposited amount and remaining 50% of amount shall be permitted to be withdrawn upon their furnishing solvent surety to the

satisfaction of the Registrar (J) of this Court within a period of 4 weeks from today.

5. The civil application stands allowed and disposed of.

JUDGE

!! BRW !!