

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

CIVIL APPLICATION NO.1983/2018 IN F.A.ST.NO.13708/2018

E. E., Lower Wardha Project, Wardha..vs..Amar Sharadrao Kale & Ors.

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

Court's or Judge's orders.

Mr. J. J. Chandurkar, Advocate for appellant.
Mrs. S. C. Najbale, Advocate for respondent nos. 1 and 2.
Mr. A. Balpande, A.G.P. for respondent nos. 3 and 4.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 26, 2018

Heard Mr. Chandurkar, learned counsel for the applicant. This is an application for condonation of delay in filing the appeal. The delay is of 109 days. Notices on this application were issued. Pursuant to the notices, non applicant nos.1 and 2-claimants appeared through Mrs.S.C.Najbale, Advocate and respondent nos. 3 and 4 appeared through Mr. Balpande, A.G.P.

I have perused contents of the application. I have also heard learned counsel for non applicant nos. 1 and 2. She submits that she has instructions to make a statement that non applicant nos.1 and 2 are having no objection if the application for condonation of delay is allowed.

In view of above, application is allowed. Delay of 109 days is condoned. Office is directed to register the appeal.

The application is disposed of.

First Appeal Stamp No.13708/2018

Heard Mr. Chandurkar, learned counsel for the appellant.

Admit. Call for the record and proceedings.

Mrs. S. C. Najbile, Advocate waives notice for respondent nos. 1 and 2 and Mr. A. Balpande, A.G.P. waives notice for respondent nos. 3 and 4.

Mr. Chandurkar learned counsel for appellant, fairly states that though principal amount under the decree is already deposited before reference Court, interest accrued thereon is yet to be deposited. He submits that necessary procedure is already underway. However, some time is required for raising the funds. He, therefore, prays for eight weeks time.

Looking to the fact that the appellant has already deposited the entire principal amount under the decree before the Court below, time can be granted to the appellant to deposit the amount towards interest. Hence, as prayed for, eight weeks time is granted to the appellant to deposit interest before the reference Court. It shall always be open for respondent nos. 1 and 2-claimants to move an appropriate application for withdrawal of the amount, before this Court only if they are so advised.

JUDGE