

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

CIVIL APPLICATION NO.3149/2018 IN F.A.ST.NO.14184/2018

V.I.D.C., Nagpur through its E.E. Medium Project Division, Yavatmal and anr. .vs.
Tukaram Tulshiram Rathod and ors.

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

Court's or Judge's orders.

Mr. V. Dahat, Advocate for applicants.
Mr. S. V. Ingole, Advocate for non applicant no.1.
Mr. A. Balpande, A.G.P. for non applicant nos. 2 and 3-State.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 23, 2018

This is an application for leave to file appeal.
Though, application is coming for the first time *suo motu*
Mr. Ingole, Advocate appears for non applicant no.1.

I have heard Mr. Dahat, learned counsel for
the applicants, Mr. Ingole, learned counsel for non
applicant no.1 and Mr. Balpande, learned A.G.P. for non
applicant nos.2 and 3.

In view of the law laid down by the Hon'ble
Apex Court in **Vidarbha Irrigation Development**
Corporation .vs. Santosh Janba Warghane & anr.;
reported in **2017 (4) Mh. L. J. 64**, the application is
allowed. Leave is granted to the applicant to file the
appeal.

The application is disposed of.

Civil Application St. No.14200/2018

This is an application for condonation of delay in preferring appeal filed by the appellant. Delay is of 426 days. Though this application is coming for the first time, Mr. Ingole, appears for non applicant no.1-claimant and he states that he has no objection for condonation of delay.

I have heard Mr. Dahat, learned counsel for applicants, Mr. Ingole, learned counsel for non applicant no.1 and Mr. Balpande, learned A.G.P. for non applicant nos.2 and 3.

After hearing the respective counsel and for the reasons stated in the application, the application is allowed. Delay of 426 days in filing the appeal is condoned. Office is directed to register the appeal.

The application is disposed of.

First Appeal Stamp No.14184/2018

Heard Mr.Dahat, learned counsel for appellants.

ADMIT. Call for the record and proceedings.

Mr. Ingole, learned counsel waives notice for respondent no.1 and Mr. Balpande, learned A.G.P. waives notice for respondent nos.2 and 3.

Civil Application No.7470/2018

This is an application for stay.

This application will be considered only after the appellants deposit entire decretal amount. Learned

counsel for the applicants submits that within 12 weeks the entire decretal amount will be deposited.

Statement is accepted.

It is made clear that merely because the appeal is admitted, the learned executing Court shall not treat it as a stay.

JUDGE

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