

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

CIVIL APPLICATION (CAO) NO.128/2018

AND

MCA ST.NO.16724/2017

IN

FA NO.293/2012

Executive Engineer, Bembla Canal Division, Yavatmal, District Yavatmal

..VS..

The State of Mah., thr. Collector, Yavatmal and ors

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

Court's or Judge's Order

.....
Shri P.B. Patil, Counsel for the applicant.

Shri S.D. Sirpurkar, AGP for non-applicant Nos.1 and 2.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 8, 2018.

1. These two applications are for condonation of delay caused in filing application for restoration of the appeal and for restoration of the first appeal.

2. On 8.10.2018, Notices on these applications were issued. Learned Assistant Government Pleader Shri S.D. Sirpurkar appeared for non-applicant Nos.1 and 2. Office note shows that Notices issued to non-applicant Nos.3 and 4 are still awaited.

3. Learned counsel Shri P.B. Patil for the applicant submits that he wishes to withdraw the present appeal.

4. The appeal was dismissed for non-filing of the

private paper-book within stipulated time.

5. In that view of the matter, the application are allowed. Delay is condoned. The first appeal is restored to file. Both applications are disposed of accordingly.

FA NO.293/2012

1. Heard learned counsel Shri P.B. Patil for the appellant.

2. By the present appeal, the appellant challenges judgment and order dated 10.11.2008 passed by learned Joint Civil Judge Senior Division, Yavatmal in LAC No.624/2006.

3. On 27.6.2012, the appeal was admitted.

4. Learned counsel Shri P.B. Patil for the appellant submits that he has instructions to withdraw the present appeal in fact he has filed a Pursis vide St.No.13196/2018 to that effect.

5. In that view of the matter, the present appeal is disposed of as withdrawn.

6. The appellant will be entitled for refund of the Court Fees as is admissible under Rules.

7. If the amount awarded by the Reference Court is not deposited by the appellant before the Reference Court, the appellant is directed to deposit the entire amount within a period of two months from today before the Reference Court.

8. If the appellant deposits the awarded amount

within the stipulated period, the Reference Court to issue Notice to the claimants intimating them that the amount is deposited by the appellant and the claimants will be permitted to withdraw the said amount.

JUDGE

!! BRW !!