

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

C.A.F. NO.1040/2017
IN
FIRST APPEAL STAMP NO.17725/2016

Executive Engineer, Purna Madhyam Project, Achalpur Division, Achalpur

..Vs..

Sunil Wamanrao Mankar and others

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

Court's or Judge's orders

Ms. A.A. Joshi, Advocate for the applicant / appellant.

CORAM : Z.A. HAQ, J.

DATE : 13.4.2018.

Heard.

Accepting the explanation given in the application, delay of 617 days in filing the appeal is condoned. The civil application is **allowed** accordingly.
No costs.

FIRST APPEAL STAMP NO.17725/2016

First Appeal is taken up for hearing on admission.

Admit.

Call record and proceedings.

Shri D.P. Dapurkar, Advocate waives notice for respondent No.1.

Shri M.A. Kadu, A.G.P. waives notice for respondent Nos.2 and 3.

C.A.F. NO.1041/2017

As the appellant has deposited the amount, interim order granted on 3rd July, 2017 to continue till disposal of appeal.

Considering the facts of the case, it is directed that the amount deposited by the appellant alongwith interest on it, if any, be given to respondent No.1 / claimant on submitting undertaking stating that in case at the time of hearing it is found that respondent No.1 / claimant is not entitled for the amount withdrawn by him, he will re-deposit it with interest as may be directed by this Court, within two months from the date of the order.

JUDGE