

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

CIVIL APPLICATION (CAO) NOS.1744; 1745 AND 1746/2018

IN

CROSS OBJECTION NO.2/2008

IN

FA NO.1015/2007

Vidarbha Irrigation Development Corporation, thr. its Executive Engineer,
Bembla Project Division, Yavatmal

..VS..

Jamilabegum w/o Abdul Gani and ors

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

Court's or Judge's Order

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Shri S.R. Deshpande, Counsel for respondent Nos.1 to 9.
Shri A.B. Patil, Counsel for the appellant.
Shri A.M. Balpande, AGP for respondent Nos.10 and 11.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 8, 2018.

1. These are applications for condonation of delay, setting aside abatement, and for bringing legal representatives on record.

2. Heard learned counsel Shri S.R. Deshpande for respondent Nos.1 to 9, learned counsel Shri A.B. Patil for the appellant, and learned Assistant Government Pleader Shri A.M. Balpande for respondent Nos.10 and 11.

3. The first appeal bearing No.1015/2007 was filed before this Court by the appellant-VIDC. The said appeal was admitted. In the said appeal, the respondents therein filed a

cross-objection bearing No.2/2008 which is already admitted.

4. During the pendency of the appeal and the cross-objection, respondent No.8-cross-objector expired. Therefore, his legal representatives are required to be brought on record. However there is a delay in filing application for bringing their names on record in place of original respondent No.8.

5. The present applications are not contested by learned counsel Shri A.B. Patil for the appellant very graciously and very fairly.

6. In that view of the matter, the civil applications are allowed. Delay in bringing legal representatives of respondent No.8 is hereby condoned. Abatement is hereby set aside. The names of the legal representatives of respondent No.8 whose names are disclosed in CAO No.1746/2018 be brought on record in place of original respondent No.8.

7. Learned counsel Shri S.R. Deshpande to carry out the amendment in the cross appeal within a period of 14 days from today.

8. With this, the civil applications are allowed and disposed of.

CAO No.1743/2018

1. This is an application for grant of hearing of the cross objection.

2. Heard learned counsel for the cross objectors as

well as learned counsel Shri A.B. Patil for the appellant-VIDC.

3. The appeal filed by the appellant-VIDC is dismissed for want of prosecution by this Court.

4. Learned counsel Shri A.B. Patil for the appellant makes a statement that the VIDC is not going to file an application for restoration of the said appeal since it falls within the four corners of the Government Resolution.

5. In that view of the matter, the application for grant of hearing of the cross objection is hereby allowed. Even otherwise, this Court is taking the appeals of the years 2007 and 2008 for final hearing.

6. Learned counsel Shri A.B. Patil submits that there is a connected appeal vide First Appeal No.44/2008 and the said can be conveniently be tagged along with the present cross objection.

7. Consequently, the civil application is allowed. Registry is directed to place the cross-objection as per its seniority along with FA No.44/2008.

8. With this, the civil application stands disposed of.

JUDGE

!! BRW !!

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