

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

CAF NO.3312/2018 IN FA ST.NO.18679/2018
VIDC, Nagpur, thr. its Executive Engr., Medium and Minor Irrigation
Sub Division No.2, Achalpur and anr
..VS..
Vasant Devidasrao Gawande and ors

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

Court's or Judge's Order

.....
Shri Vinay Dahat, Counsel for the Applicants.
Shri M.A. Kadu, AGP for NA Nos.2 & 3.

CORAM : V.M. DESHPANDE, J.
DATED : NOVEMBER 2, 2018.

1. This is an application moved by the VIDC seeking leave to file an appeal.
2. In view of the law laid down by the Honourable Apex Court in the case of Vidarbha Irrigation Development Corporation vs. Santosh Janba Wardhane and anr, reported at 2017(4) Mh.L.J. 64, issuance of notice to non-applicant No.1 is dispensed with.
3. Learned AGP Shri M.A. Kadu waives service for non-applicant Nos.2 and 3 since the issue is not *res integra* in view of the aforesaid decision cited *supra*.
4. Hence, the civil application is allowed. The applicant is entitled to file an appeal. The civil application stands disposed of accordingly.

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CA St.NO.18689/2018

1. This is an application for condonation of delay.
2. Issue Notices to the non-applicants, returnable after 10 weeks. Learned AGP Shri M.A. Kadu waives service for non-applicant Nos.2 and 3.

CA St.NO.18687/2018

1. This is an application for grant of Stay.
2. The present application will be considered only after deposit of entire decretal amount under Award before this Court.
3. Learned counsel Shri Vinay Dahat for the applicants submits that he has instruction to make a statement that the applicants will deposit entire decretal amount under Award within a period of 12 weeks from today. The statement is accepted.

JUDGE

!! BRW !!

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