

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

CIVIL APPLICATION (CAF) NO.1284/2017

IN

FA ST.NO.20226/2016

Executive Engineer (Man Project Divn.) New Name – Jigaon Lift Irrigation Division,
Khamgaon, District Buldana

..VS..

Ramkisan Ganeshlal Rathi (dead) thr. its LRs Hemraj Ramkisan Rathi 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 R.P. Masurkar, Counsel for non-applicant Nos.1(a) to
1(g)/claimants.

Mrs. M.S.Naik, AGP for non-applicant Nos.2 & 3.

CORAM : MRS. SWAPNA JOSHI, J.

DATED : JULY 25, 2018.

1. This is an application for condonation of delay of 116 days caused in filing an appeal.
2. Heard learned counsel for the parties.
3. For the reasons stated therein, the application is allowed. Delay of 116 days caused in filing the appeal is condoned. Office to register the first appeal. The civil application is disposed of accordingly.

First Appeal No...../2018

1. Heard.
2. ADMIT.
3. The record and proceedings be called for.

4. Learned counsel Shri R.P. Masurkar waives service on behalf of the claimants and learned Assistant Government Pleader Mrs. M.S. Naik waives service on behalf of respondent Nos.2 and 3.

Civil Application (CAF) No.1285/2017

1. This is an application for grant of Stay to the effect and operation of the impugned judgment and award dated 12.2.2016 passed in LAC No.52/2010.

2. Learned counsel Shri P.B. Patil for the applicant/appellant submits that on 27.6.2017 he has deposited the decretal amount of Rs.30,45,696/- before this Court.

3. Having heard learned counsel for the parties, I am satisfied that the case is made out for grant of Stay.

4. In view of the fact that decretal amount has already been deposited, the application is allowed. Till disposal of the present appeal, there shall be Stay to the effect and operation of the impugned judgment and award dated 12.2.2016 passed in LAC No.52/2010.

5. The civil application stands disposed of accordingly.

Civil Application (CAF) No.4244/2017

1. This application is filed by the claimants for withdrawal of amount deposited by the appellant before this Court.

2. Heard learned counsel for both the parties.

3. Having heard learned counsel for the parties and gone through the judgment of the Reference Court, I am convinced

that the application can be allowed. The application is allowed. 25% of the decretal amount be fixed in any Nationalized Bank. Out of the remaining 75% of the decretal amount, 50% amount shall be permitted to be withdrawn by the claimants on their furnishing an usual undertaking to the satisfaction of the Registrar (J.) of this Court and 50% amount shall be permitted to be withdrawn by the claimants on their furnishing solvent surety/security to the satisfaction of the Registrar (J.) of this Court within a period of 4 weeks from today.

4. The civil application stands allowed and disposed of.

JUDGE

!! BRW !!