

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

CIVIL APPLICATION (CAF) NO.673 OF 2017

AND

FIRST APPEAL ST. NO. 20238 OF 2016

(EXECUTIVE ENGR.,JIAGAON LIFT IRRIGATION DN...VS.. RAMESHWAR GANESHLAL RATHI (DEAD)
THR. LRS & OTH.)

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

Court's or Judge's orders

Shri A.S.Agrawal, Adv. h/f. Shri P.B.Patil, Adv. for Applicant.
Shri Mangesh Kadu, A.G.P. for Respondent No. 2 & 3.

CORAM : Z.A.HAQ, J.

DATED : MARCH 09, 2018.

None appears for the respondent Nos. 1a to 1f,
though served.

Heard.

Accepting the explanation given in the
application, the delay of 116 days in filing the appeal is
condoned.

The civil application is **allowed** accordingly. No
costs.

FIRST APPEAL ST.NO.20238/2016.

Taken up for hearing on admission.

ADMIT.

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

Call R & P.

The appellant shall file private paper book within
six months.

CIVIL APPLN.(CAF) NO.674/2017.

The learned advocate for the appellant states that the principal amount, as directed by the reference Court by the impugned award, is deposited before the reference Court. By order passed on 30th June, 2017 this Court granted stay to execution of the impugned award on condition that the entire decretal amount shall be deposited within 12 weeks. There is no explanation for not complying with the condition imposed by this Court while granting interim order in favour of the appellant. The appellant has not filed any application seeking enlargement of time to comply with the directions given by this Court by order dated 30th June, 2017.

In the above facts, the civil application is **dismissed.**

It is clarified that the interim order granted by this Court on 30th June, 2017 stands vacated.

The amount deposited by the appellant before the reference Court be given to the claimants, as per the impugned award. For the recovery of the balance amount, the claimants are at liberty to proceed with the execution.

JUDGE