

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

CIVIL APPLICATION (CAF) NO.4092/2016

IN

FA ST.NO.22789/2016

Executive Engineer, Khadakpurna Prkalpa, Buldana

..VS.

Sarjabai Bhivaji Gite and ors

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

Court's or Judge's Order

.....
Shri S.K. Bhoyar, Counsel for the applicant.

Shri K.P. Sadavarte, Counsel for non-applicant Nos.1 to
6/claimants.

Shri M.A. Kadu, AGP for non-applicant No.7/State.

CORAM : MRS. SWAPNA JOSHI, J.

DATED : JULY 20, 2018.

1. This is an application for condonation of delay of 138 days caused in filing an appeal.
2. Heard learned counsel for the parties.
3. For the reasons stated in the application, the application is allowed. Delay of 138 days caused in filing the appeal stands condoned. Office to register the 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 Additional Public Prosecutor Shri M.A. Kadu

.....2/-

waives service on behalf of the State learned counsel Shri K.P. Sadavarte waives service on behalf of the claimants.

5. Paper-Book be filed within a period of 6 months from today.

Civil Application Nos.1185 and 1186/2018

1. These applications are for condonation of delay in bringing legal heirs of deceased non-applicant No.3 on record and for bringing legal heirs of non-applicant No.3 on record.

2. Learned counsel Shri K.P. Sadavarte for the claimants submits that he wishes to withdraw the applications.

3. Permission as prayed for is granted.

4. The civil applications are disposed of as withdrawn.

Civil Application (CAF) No.4093/2016

1. This is an application for grant of Stay.

2. Learned counsel Shri S.K. Bhoyar for the appellant submits that decretal amount of Rs.63,54,457/- has been deposited before this Court by cheque No.011882.

3. In view of above, till disposal of the appeal, interim stay granted on 22.12.2016 to continue.

Civil Application (CAF) No.1187/2018

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

2. Heard learned counsel for the parties.

3. Having heard learned counsel for the parties and gone through the contents in the application, I am convinced that the application can be allowed.

4. The application is allowed. The application is allowed. Upon the claimants furnishing an usual undertaking to the satisfaction of the Register (J) of this Court, they shall be permitted to withdraw 50% of the deposited amount and remaining 50% of amount shall be permitted to be withdrawn upon their furnishing solvent surety to the satisfaction of the Registrar (J) of this Court within a period of 4 weeks from today.

5. The civil application stands allowed and disposed of.

JUDGE

!! BRW !!