

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

CIVIL APPLICATION (CAO) NO.2154/2018

IN

CIVIL APPLICATION (CAF) NO.180/2018

IN

FIRST APPEAL ST. NO.3453/2017

Executive Engineer, Bembla Project, Yavatmal, Tah. And Dist. Yavatmal

...Versus...

Ravindra Prabhakar Rao Padgilwar and others

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

Court's or Judge's orders

Shri P.B. Patil, Counsel for applicant
Shri M.M. Agnihotri, Counsel for respondent no.1
Mrs. Geeta Tiwari, AGP for respondent nos.2 and 3

CORAM : ARUN D. UPADHYE, J.

DATE : 05/12/2018

Heard.

The civil application is allowed. The applicant is permitted to amend the memo of appeal.

The civil application stands disposed of.

CIVIL APPLICATION (CAF) NO.180/2018

Heard.

Perused the application. There is a delay of 391 days caused in filing the first appeal.

Having heard the learned Counsel for the parties and having gone through the contents of the application, I find that sufficient cause is made out for condoning the delay. Hence, the delay caused is condoned. The civil application is allowed.

FIRST APPEAL ST. NO.3453/2017

Heard.

ADMIT.

Call for record and proceedings.

Learned Counsel Shri M.M. Agnihotri waives service of notice for the respondent no.1 and learned Assistant Government Pleader Mrs. Geeta Tiwari waives service of notice for the respondent nos.2 and 3.

CIVIL APPLICATION (CAO) NO.2030/2018

Heard.

The learned Counsel for the respondent no.1 has submitted that in First Appeal No.1251/2017 this Court has allowed the claimants to withdraw 50% of the amount on furnishing usual undertaking and remaining 50% amount on furnishing surety. He further submitted that in the present first appeal notification as well as the date of the award is the same and the acquired land is of village Kopra and is acquired for Bembla project and therefore, the respondent no.1 may be permitted to withdraw the amount.

Learned Counsel for the applicant has filed reply to this civil application and opposed the same.

Considering the submissions of the learned Counsel for the parties and considering the facts and circumstances of the case, the civil application filed by the respondent no.1 needs to be allowed. Hence, I proceed to pass the following order.

ORDER

The civil application is allowed. The respondent no.1 is permitted to withdraw 50% of the amount upon furnishing usual undertaking and balance 50% amount is allowed to be withdrawn upon furnishing solvent surety/security before the reference Court.

The civil application stands disposed of. No order as to costs.

JUDGE