

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

CIVIL APPLICATION NO.2464/2017 IN FIRST APPEAL
ST.NO.26245/2016

Executive Engineer, Minor Irrigation Division (Now Washim Irrigation Divn.)
Wardha ..vs.. Vishnu s/o Nivrutti Dabhade and Ors.

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

Court's or Judge's orders.

Mr. V. Dahat, Advocate for applicant.
Mr. R. G. Kavimandan, Advocate for non applicant no.1.
Mr. I. Damle, A.G.P. for non applicant nos. 2 and 3-State.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 11, 2018

1. Heard Mr. Dahat, learned counsel for the applicant, Mr. Kavimandan, learned counsel for non applicant no.1 and Mr. Damle, learned A.G.P. for non applicant nos. 2 and 3.

2. This is an application for condonation of delay in preferring the appeal. The delay is of 76 days. Learned counsel for non applicant no.1-claimant fairly states that he has no objection for condonation of delay.

3. In view of above and in view of assertions of facts made in the application, the application is allowed. The delay of 76 days is hereby condoned. Office to register the appeal.

The application is disposed of.

First Appeal Stamp No.26245/2016

Heard.

Admit. Call for the record and proceedings.

Mr. Kavimandan, learned counsel waives notice for non applicant no.1 and Mr. Damle, learned A.G.P. waives notice for non applicant nos. 2 and 3.

Put up with First Appeal Stamp No.26254/2016.

Civil Application No.1654/2018

This is an application for withdrawal of the amount deposited by the appellant in this Court as per the directions. Land of respondent no.1 was acquired for the public purpose.

After hearing learned counsel for the parties, following order is passed.

ORDER

- (i) The application is allowed in part.
- (ii) Non applicant no.1-respondent no.1 shall be entitled to withdraw 75% of the amount so deposited by the appellant before this Court on giving usual undertaking that in the event the appeal is allowed then he will refund the entire amount along with interest that will be determined by the Court at the time of final hearing of the appeal by the Court.

JUDGE