

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4827 OF 2019
IN
FIRST APPEAL NO.242 OF 1996
(V.M. Jog Engineering Ltd. Vs. City and Industrial
Development Corporation of Maharashtra Ltd. and
another)

Mr. R.N. Dhorde, Senior Advocate instructed by
Mr. V.R. Dhorde, Advocate for the applicant
Mr. Akshay Kulkarni, Advocate for respondent
Nos.1 and 2

CORAM : SUNIL K. KOTWAL, J.

DATE : 26th APRIL, 2019

ORDER :

Heard learned Senior Counsel for the
applicant and learned counsel for respondent Nos.1
and 2.

2. Learned Senior Counsel has pointed out that
First Appeal filed by respondent No.1 – CIDCO is
already dismissed and even restoration application is
dismissed by this Court.

3. I have gone through the order passed by this Court in First Appeal No.242/1996 on 27th November, 2014. It shows that the First Appeal was dismissed for want of prosecution as nobody appeared before the Court on behalf of the appellant. The second order dated 7th February, 2018 passed by this Court in Civil Application No.4840 of 2016 again shows that even the application for restoration of the appeal was dismissed as nobody represented the applicant and as the application for restoration was barred by limitation.

4. Though learned counsel holding for Shri S.L. Kulkarni, who was the then panel Advocate for respondent No.1 – CIDCO seeks time or prays to issue notice to the CIDCO, in view of the above referred position, it is not necessary to issue notice to respondent No.1 – CIDCO for allowing the withdrawal of the deposited compensation amount. Therefore, permission is granted to the applicant to withdraw the deposited compensation amount in terms of prayer clause (A), subject to condition that the applicant shall file written undertaking to re-deposit the same as and when directed by this Court in the event of restoration of First Appeal. The undertaking be filed within a period of two weeks from

the date of passing of this order. Civil Application is accordingly allowed and disposed of.

[SUNIL K. KOTWAL]
JUDGE

npj/ca4827-2019