

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

CIVIL APPLICATION (CAO) NO.618 OF 2018 AND MCA ST.NO.20536 OF 2017
IN
CIVIL APPLICATION NO.150 OF 2016
IN
FIRST APPEAL ST. NO.22203 OF 2015

Superintendent Engineer, Tapi Khore Vikas Patbanchare Mahamandal Jalgaon, Dist. Jalgaon and
anr.

-vs-

Vijaykumar Motilal Khiwasara and anr.

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

Court's or Judge's Orders.

Shri N. C. Sorte, Advocate for applicant/appellant.
Shri R. P. Masurkar, Advocate for non-applicant No.1.
Shri M. A. Kadu, AGP for non-applicant No.2.

CORAM : A.S.CHANDURKAR, J.
DATE : January 22, 2019

Civil Application No.618 of 2018 and Misc. Civil Application St. No.20536 of 2017 are disposed of as not pressed by the learned counsel for the applicant.

**Civil Application (CAO) No.121 of 2019 and
Misc. Civil Application No.37 of 2019**

By these applications it is prayed that the proceedings be restored against the non-applicant No.1 as the same were dismissed on account of failure to supply his correct address.

Though the prayer for condoning delay is opposed by the learned counsel for the non-applicant No.1, considering reasons mentioned, the prayers in both the applications are granted. After condoning the delay the proceedings are restored against the non-applicant No.1. Both the Applications are allowed and disposed of.

Civil Application No.150 of 2016

Notice on the application is made returnable forthwith.

Shri R. P. Masurkar, learned counsel waives notice on behalf of non-applicant No.1. Shri M. A. Kadu, learned counsel waives notice on behalf of non-applicant No.2.

Considering reasons mentioned, the delay in filing the appeal stands condoned. Civil Application is allowed and disposed of.

First Appeal St. No.22203 of 2015

Issue notice, returnable on **12/02/2019**.

Shri R. P. Masurkar, learned counsel waives notice on behalf of respondent No.1. Shri M. A. Kadu, learned counsel waives notice on behalf of respondent No.2.

Civil Application No.151 of 2016

As the entire amount of compensation has been deposited with the Reference Court and it is further stated that all the amounts have been withdrawn, the execution of the impugned award shall remain stayed during pendency of the appeal. Needless to state that if the amount is already withdrawn by the claimant, same shall not be recovered pursuant to the award.

Civil Application is disposed of.

JUDGE