

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

CIVIL APPLICATION (CAO) NO.174/2019

IN

MISC. CIVIL APPLICATION NO.54/2019

IN

CIVIL APPLICATION (CAF) NO.3063/2016

IN

FIRST APPEAL ST. NO.7328/2016

Executive Engineer, Lower Wardha Project Division, Wardha, Tah. And
Distt. Wardha

...Versus...

Vikas V. Jain 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 S.K. Bhoyar, Counsel for applicant
Shri P.A. Dharaskar, Counsel for respondent nos.1 and 3
Shri S.D. Sirpurkar, AGP for respondent nos.5 and 6

CORAM : ARUN D. UPADHYE, J.

DATE : 23/01/2019

Heard.

Perused the contents of the application.

There is a delay of 162 days caused in filing the restoration application for restoration of appeal against respondent nos.2 and 4.

For the reasons stated in the application, the delay caused in filing the restoration application is condoned. The civil application is allowed. No order as to costs.

MISC. CIVIL APPLICATION NO.54/2019

Heard.

For the reasons stated in the application, the misc. civil application is allowed. The appeal is restored against the respondent nos.2 and 4.

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

The learned Counsel for the applicant has submitted that he has received the correct addresses of the respondent nos.2 and 4.

Issue notice to the respondent nos.2 and 4 on the new address, returnable on 20/02/2019.

CIVIL APPLICATION (CAO) NO.61/2019

Heard.

The learned Counsel for the applicant/respondent no.1 has submitted that already the respondent no.3 is permitted to withdraw the proportionate amount, as per order dated 26/11/2018 passed by this Court and therefore, the applicant/respondent no.1 may also be permitted to withdraw the proportionate amount, upon furnishing usual undertaking.

Considering the submissions of the learned Counsel for the parties and after perusal of the order dated

26/11/2018 passed by this Court, I am inclined to allow this civil application. Hence, I proceed to pass the following order.

ORDER

- (i) The civil application is allowed.
- (ii) The applicant/respondent no.1 is permitted to withdraw the proportionate amount, upon furnishing an undertaking that in case if the appeal is allowed, the said amount will be deposited with 7% interest within twelve weeks from the date of decision in the appeal.

The civil application is disposed of accordingly.
No order as to costs.

JUDGE

Wadkar, P.S.