

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

Civil Application [CAF] No.1522 of 2019
in
First Appeal St. No.4125 of 2019

Union of India, Central Railways, General Manager, C.S.T. Mumbai
vs.

Saroj Kodumal Khemchandani @ Saroj Jethanand Bitrai & others

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

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Court's or Judge's Orders

*Shri Zahid Shekhani, Advocate for the Applicant/Appellant.
 Shri J.J. Chandurkar, Advocate for Respondent No.1.
 Shri S.J. Kadu, A.G.P. for Respondent Nos.2 & 3.*

CORAM : Z.A. HAQ & S.M. MODAK, JJ.
DATE : 15th JANUARY, 2020.

Accepting the explanation given in the application, delay of 170 days in filing appeal is condoned.

02] The civil application is allowed accordingly.
 No costs.

First Appeal St.No.4125/2019 :

Taken up for hearing on admission.

02] Heard.

03] **Admit.**

04] Learned Advocate Shri Chandurkar waives notice for respondent No.1 and learned A.G.P. Shri Kadu waives notice for respondent Nos.2 & 3.

05] Call record and proceedings.

Civil Application [CAF] No.1525/2019 :

Though learned Advocate for the appellant states that entire amount as per the impugned award is deposited before the reference Court, nothing is placed on record to substantiate it and, therefore, learned Advocate for respondent No.1-claimant is not in a position to assist the Court.

02] The appellant shall file affidavit pointing out whether entire amount as per the impugned award is deposited or not. Affidavit shall be filed within four weeks.

03] List the civil application for further consideration/hearing on 12th February, 2020.

JUDGE**JUDGE****sandesh*