

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

Civil Application (F) No.1418/2020 in First Appeal No.946/2018

(VIDC, Yavatmal and another V Babusingh Chavan 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 J.B. Kasat, Adv for appellants.
 Shri S.O. Ahmed, Adv for resp. no.1.
 Shri A.S. Fulzele, Addl.GP for resp. nos. 2 and 3.

CORAM : S.M. MODAK, J.

DATE : 15-12-2020.

On 09-10-2019, two appeal were listed. One is First Appeal Stamp No.9352/2017 and another is First Appeal Stamp No. 9360/2017. In First Appeal Stamp No.9352/2017, there is Civil Application (O) No.604/2019 for withdrawal. It was granted on that date. Similarly, in First Appeal Stamp No.9360/2017, there was oral prayer for withdrawal. It was also granted by this Court. The reason for granting oral prayer was the claimants hurriedly filed application for withdrawal without verifying whether that amount is deposited or not?

2. Learned Advocate for respondent no.2 submits that there was no hurry but wrong cheque was deposited. Hence, the earlier application was not pressed.

3. This Court considered the fact and considered the oral prayer and granted withdrawal in First Appeal Stamp No.9360/2017. However, on page 2 of the order dated 09-10-2019, instead of First Appeal Stamp No.9360/2017, First Appeal Stamp No.9352/2017 was typed. The respondent no.1/claimant is asking for modification. It is not objected on behalf of the VIDC and the State. Hence, the order :-

ORDER

On page no.2 of the order dated 09-10-2019, the heading First Appeal Stamp No.9352/2017 be corrected as First Appeal Stamp No.9360/2017.

(S.M. Modak, J.)

Deshmukh