

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

CIVIL APPLICATION (CAF) NO. 421 OF 2020
IN
FIRST APPEAL NO. 721 OF 2016

(Executive Engineer, Minor Irrigation Division, Washim Vs. Shankar S/o Haribhau
Deshmukh 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 Vijaykumar Paliwal, counsel for the respondent
nos. 1 to 9.

CORAM : ANIL S KILOR, J.
DATE : 05th FEBRUARY, 2020.

On 10th December, 2018, this Court had granted six months time to the appellant to file paper book. This Court in the said order dated 10th December, 2018 had observed that in case the private paper book is not filed within six months the appeal would stand dismissed without further reference to the Court.

2. Shri Paliwal, learned counsel for the respondent no.1 to 9 submits that on failure to file the private paper book by the appellant within stipulated period as granted by this Court, the appeal stood dismissed and therefore now for withdrawal of amount, the solvent certificate is not needed and therefore he prays for withdrawal of this application.

3. Permission is granted.

4. Application is disposed of.

CIVIL APPLICATION (CAF) NO. 496 OF 2020

On 10th December, 2018, this Court had granted six months time to the appellant to file paper book. This Court in the said order dated 10th December, 2018 had observed that in case the private paper book is not filed within six months the appeal would stand dismissed without further reference to the Court.

2. Shri Paliwal learned counsel for the applicant and respondent nos. 1 to 9 has pointed out that since the appeal stood dismissed for non-filing of the paper book within stipulated period and since the appellant did not take any steps to restore the matter back, the amount lying with the Registry may be permitted to withdraw and therefore he has filed the present application on behalf of the applicants.

3. There is no dispute that the present appeal is dismissed for non-filing of paper book.

4. In the light of the said fact, the amount lying with the Registry is permitted to be withdrawn by the applicants with accrued interest thereon if any.

5. Application is disposed of.

JUDGE