

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

FIRST APPEAL NO.1733/2019
VIDC, thr.its Executive Engineer, Irrigation Division Bembla Project,
Yavatmal and anr

..VS..

Sau.Jijabai Tukaram Gedekar and ors

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

Court's or Judge's Order

.....
Shri M.A.Kadu, Counsel for applicants.
None for non-applicant No.1.
Mrs.S.Haider, AGP for non-applicant Nos.2 & 3.

CORAM : V.M.DESHPANDE, J.
DATED : NOVEMBER 16, 2021

1. Heard learned counsel Shri M.A.Kadu for applicants/Vidarbha Irrigation Development Corporation and The Executive Engineer, Nimna Painganga Project Division, Yavatmal.

2. **ADMIT.**

3. Record and proceedings be called for.

4. Learned Assistant Government Pleader Mrs.S.Haider, waives service on behalf of non-applicant Nos.2 and 3.

CAF No.1952/2021

1. This is an application for withdrawal of amount. The application is moved by non-applicant No.1/Smt.Jijabai Gedekar.

2. Learned counsel Shri A.R.Ingole, who appears for non-applicant No.1/Smt.Jijabai Gedekar, is absent. VIDC is represented by learned counsel Shri M.A.Kadu. Non-applicant Nos.2 and 3/State is represented by learned Assistant Government Pleader Mrs.S.Haider.

3. On last date i.e. 21.10.2021, learned counsel Shri A.R.Ingole for non-applicant No.1/Smt.Jijabai Gedekar sought three weeks' time to file necessary documents to support claim made in this application. However, till today, no document is filed on record.

4. The Court could have readily rejected this application, however for the fault on the part of learned counsel litigant should not suffer.

5. In this view of the matter, by way of last chance, the Court is granting one week's time with a clear understanding to learned counsel Shri A.R.Ingole for non-applicant No.1/Smt.Jijabai Gedekar that if on the next date learned counsel Shri Ingole is not appearing in this matter, the Court will reject the application.

6. Place this matter in the next week.

CAF No.3971/2019

1. Heard .

2. This is an application for grant of stay.

3. Learned counsel Shri M.A.Kadu for appellants, submits that appellants have already deposited entire amount under decree before this Court.

The statement is accepted.

4. In this view of the matter, the civil application stands allowed in terms of prayer clause (i) of the application.

The civil application is disposed of accordingly.

JUDGE

!! BRW !!