

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

CIVIL APPLICATION NO. 498 OF 2021

AND

**MISC. CIVIL APPLICATION (ST.) NO. 9879 OF 2021 IN
FIRST APPEAL (ST.) NO. 13227 OF 2019**

(Executive Engineer, Lower Wardha Canal Division, Wardha Vs. Rambhau Shamrao
Kamdi and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. H.N. Jaipurkar, Advocate h/f Shri B.N. Jaipurkar,
Advocate for the appellant.
Shri A.M. Kadukar, A.G.P. for the respondent No.1/State.

CORAM:- PUSHPA V. GANEDIWALA, J.
DATED :- AUGUST 24, 2021

Heard.

Issue notice to the respondents, returnable
after two weeks.

Shri A.M. Kadukar, learned Assistant
Government Pleader waives service of notice for the
respondent No. 1/State.

Perused the applications.

It is stated that for non-removal of office
objection, the Registrar (J) has dismissed the appeal vide
order dated 17/09/2019 which is rejected on
01/10/2019.

Considering the reasons as stated in the
application in paragraph Nos.2 and 3, the delay caused in
filing the first appeal is condoned.

The appeal is restored to the original file, subject to costs of Rs.1000/- to be remitted to the account of High Court Bar Association, Nagpur.

Both the applications are disposed of accordingly.

FIRST APPEAL (ST.) NO. 13227 OF 2019

The office objections, if any, be removed within a period of two weeks, failing which, the appeal would be dismissed without further reference to this Court.

CIVIL APPLICATION (ST.) NO. 13229/2019

This is an application for grant of stay under Order 41 Rule 5 of the Code of Civil Procedure, 1908.

It is stated that the appellant/V.I.D.C. has already deposited entire decretal amount in the Reference Court in L.A.C. No. 94/2015.

Considering the above submission, there shall be ad-interim stay to the operation and execution of the judgment and award dated 20/08/2018 passed by the learned Civil Judge, Senior Division, Wardha till the appearance of the respondents.

JUDGE