

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

Civil Application [CAF] No.4480 of 2019
in
First Appeal St. No.12447 of 2019

Chief Executive Engineer, Madhyam Prakalpa Vibhag, Yavatmal
 vs.

Ushabai Sawairam Rathod & others

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

Court's or Judge's Orders

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Ms. I.P. Khisti, Advocate for the Applicant/Appellant.
 Shri S.V. Ingole, Advocate for Respondent No.1.
 Ms. Shamsi Haider, A.G.P. for Respondent Nos.2 & 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 27th JANUARY, 2021.

The applicant-appellant has sought to condone the delay of 627 days in preferring the appeal.

For the reasons stated in the application, the delay is condoned subject to costs of Rs.5,000/- (Rupees Five Thousand Only) to be paid to the Vidarbha Lady Lawyers Association, Nagpur within a period of one week.

The application stands disposed of accordingly.

Civil Application [CAF] No.1546/2020 :

By this application, applicant-respondent No.1 has sought withdrawal of the amount of compensation deposited by the appellant.

Perused the impugned judgment. Considering the nature of evidence on record, the

applicant-respondent No.1 is permitted to withdraw 50% of the amount of compensation on filing an undertaking that in case the appeal is allowed, the said amount shall be refunded along with the interest at such rate, the Court may direct. Further, 50% of the amount of compensation is permitted to be withdrawn in equal proportion on furnishing a solvent surety to the satisfaction of the Registrar (Judicial).

The application stands disposed of.

Civil Application [CAF] No.4481/2019 :

It is stated that the entire amount of compensation, as per the impugned judgment and award, has been deposited in the Court.

In the light of the said statement, the execution and implementation of the impugned judgment is stayed till the disposal of the appeal.

The application stands disposed of.

First Appeal St. No.12447/2019 :

Heard.

Admit.

Shri S.V. Ingole, learned Counsel waives service of notice on behalf of respondent No.1 and Mrs. Shamsi Haider, learned A.G.P. waives on behalf of respondent Nos.2 & 3.

Call for records and proceedings.

Paper-book to be filed within a period of six months.

JUDGE