

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

CIVIL APPLICATION (CAF) NO. 1177 OF 2017 IN
FIRST APPEAL STAMP NO.22757 OF 2016

The Executive Engineer, Medium Project Division, Nagpur [now name
changed as Executive Engineer, Nagpur Irrigation Division (North),
Nagpur]

Vs.

Khema s/o Rajeram Gajbhiye (died) through LRs Mrs. Pramila Girdhar Naik
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 P.B. Patil, Advocate for applicant/appellant.
Shri A.P. Kalmegh, Advocate for respondent no1.
Smt. M.H. Deshmukh, A.G.P. for respondent nos.2 and 3.

CORAM : PUSHPA V. GANEDIWALA, J.
DATE : 23rd AUGUST, 2021.

Heard.

2. Perused the application. For the reasons stated in the application, the delay of 243 days caused in filing the appeal is condoned. Appeal be registered.

3. The application stands disposed of.

FIRST APPEAL STAMP NO.22757 OF 2016

Heard. **Admit.** Heard finally by consent.

2. My attention is invited to orders dated 06.09.2017 and 13.12.2017 passed by this Court in First

Appeal No.1032 of 2016 and First Appeal (stamp) No.22751 of 2016 respectively.

3. It is not in dispute that the issue involved in the present case is squarely covered by the decision in the above mentioned appeals. In this light of the matter and in view of the dismissal of First Appeal No.1032 of 2016 and First Appeal (stamp) No.22751 of 2016, this appeal is also dismissed.

4. The claimants are permitted to withdraw the amount deposited in this Court alongwith accrued interest thereon, if any.

5. In view of disposal of appeal, Civil Application (CAF) Nos.1178 of 2017 and 1608 of 2020 stand disposed of. No order as to costs.

JUDGE

Wagh