

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

CIVIL APPLICATION (CAO) NO.508/2022
IN
MISC. CIVIL APPLICATION ST. NO.6501/2022
IN
FIRST APPEAL NO.679/2013

Vidarbha Irrigation Development Corporation through its Executive Engineer, Bembla Project
Division, Yavatmal

Vs.

Natthu Bhagwan Thakre 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 A.B. Patil, Advocate for appellant
Ms H.N. Jaipurkar, AGP for respondent Nos.2 and 3

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 03/08/2022

Heard.

2. The present application is filed for condonation of delay in filing application for restoration of appeal. The First Appeal came to be disposed of for not filing of paper book.

3. It is contended that it was not noticed by the learned Counsel for appellant. The directions were issued in the bulk of matter wherein paper books were not filed.

4. In view of this reason I have no hesitation to allow the application.

5. The application is hereby allowed.

6. The delay in filing restoration application is condoned.

MISC. CIVIL APPLICATION ST. NO.6501/2022

The reasons in the present application and the application for condonation of delay are the same.

2. Order passed by this Court dated 06/09/2017 and consequent order passed by the Registrar dated 13/06/2017 are hereby recalled.

3. The Registry is directed to register the First Appeal on its original number.

FIRST APPEAL NO.679/2013

It is submitted by learned Counsel for appellant that in view of the order passed in First Appeal No.762/2017, by which the appeal came to be dismissed, the present appeal needs to be dismissed. The project involved in the said First Appeal is also the same. The present appeal is also arising out of the same project i.e. Bembla Project. As such the controversy is concluded in First Appeal No.1667/2019 vide judgment of this Court dated 01/10/2019. Nothing survives in the present appeal. Hence appeal is dismissed.

2. The claimants are entitled to withdraw the entire remaining decretal amount along with the accrued interest, so deposited by the appellant in this Court.

3. Civil Application No.709/2022 is disposed of accordingly.