

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

CIVIL APPLICATION (CAF) NO. 2394 OF 2022
IN
FIRST APPEAL (ST.) NO. 6806 OF 2021

V.I.D.C. THR. EXE. ENGINEER, PURNA MEDIUM PROJECT, ACHALPUR, DIST. AMRAVATI AND ANR.

...VERSUS...

MANOHARRAO ZAMAJI DABHADE AND ORS.

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

Court's or Judge's order

Mrs. Anjali A. Joshi, Advocate for appellants/applicants.

Shri S.S.Shingane, Advocate for respondent no. 1.

Ms. T.H.Udeshi, AGP for respondent nos. 2 and 3.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 03rd AUGUST, 2023

The present application is filed by acquiring body for grant of leave to file appeal, as the applicant no. 1 was not made a party respondent in the reference proceedings before learned Reference Court. As such, leave is granted to the applicants/appellants to file appeal.

2. Accordingly, the application stands disposed of.

CIVIL APPLICATION (CAF) NO. 279 OF 2023

The present application is filed by the appellants for condonation of delay in filing First Appeal. There is delay of 82 days.

2. The application is opposed by learned counsel for the respondents and submitted that there is intentional and deliberate delay in filing First Appeal. However, in view of the reasons given in para 2 of the application, the application is allowed. Delay in filing the First Appeal is hereby condoned.

3. Registry is directed to register the First Appeal.
4. Accordingly, the application stands disposed of.

CIVIL APPLICATION (CAF) NO. 280 OF 2023

The remaining amount is deposited by the appellants in pursuance of order dated 20/10/2022 passed by this Court. As such, the stay granted on 20/10/2022 will be continued, till disposal of appeal.

2. Accordingly, the application stands disposed of.

CIVIL APPLICATION (CAF) NO. 2191 OF 2023

The present application is filed by respondent no. 1/ applicant for withdrawal of amount deposited by the appellants in this Court.

2. It is submitted by respondent no. 1 that the balance amount of Rs. 35,08,987/- is deposited by the appellants with this Court and permission may be granted to him to withdraw the same. For the reasons stated in para 5 of the application, it would be appropriate to allow respondent no. 1 to withdraw 50% of the balance amount along with accrued interest, on usual undertaking and 25% of the balance amount along with accrued interest, on furnishing surety/security to the satisfaction of Registrar (Judicial). As such, the application is allowed.

3. Registry is directed to disburse the amount as mentioned above in favour of respondent no. 1 on furnishing usual undertaking so also surety/security to the satisfaction of Registrar (Judicial).
4. Accordingly, the application stands disposed of.

FIRST APPEAL (ST.) NO. 6806 OF 2021

Heard.

2. **Admit.**
3. The appellants to file private paper book within six months.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar