

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

CIVIL APPLICATION (CAF) NO. 204/2022
IN FIRST APPEAL STAMP NO 8347/2021

V.I.D.C. Thr. Exe. Engineer, Medium Project Division (Now Yavatmal Proj. Const.
Division), Yavatmal

Vs

Badrisingh Ramji Chavhan And Others

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

Court's or Judge's Order

Mr C.J. Dhumane, Advocate for the applicant/appellant

Mr R.J. Shinde, Advocate for the respondent No.1.

Mrs Shamshi Haider, AGP for the respondent Nos. 2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/02/2023.

1. Heard.
2. Civil application is filed by the appellant for condonation of delay. The office note shows that Mr R.J. Shinde has filed Vakalatnama for deceased respondent No.1 Badrising Ramji Chavhan vide stamp No. 01/2022.
3. On perusal of the Vakalatnama, it appears that sign of Badrising Ramji Chavhan is taken on 02/08/2022.
4. The judgment of the LAC No. 27/2008 shows that legal heirs of Badrising Ramji Chavhan are already on record before the learned Reference Court which is decided on 18/02/2019.

5. Learned Advocate Mr R. J. Shinde for the respondent No.1 submitted that mistakenly his attorney mentioned the name of Badrising Ramji Chavhan in the Vakalatnama.

6. I have perused the Vakalatnama, not only in the blanket portion, the name of the deceased claimant is mentioned but below the signature also the name of deceased Badrising is mentioned. Though the learned Advocate Mr R.J. Shinde submitted that it is the signature of Dashrath Badrisingh Chavhan is mentioned the said contention is not acceptable.

7. Considering the name mentioned below the signature, learned Advocate for the respondent No.1 Mr R.J. Shinde shall submit the affidavit stating that this signature is of Dashrath Badrisingh Chavhan and not any other person. The said signature will be verified from the documents available on record in view of Section 73 of the Indian Evidence Act, 1872 – if it is found that the signature is forged one, the necessary action will be taken against the concerned.

8. Issue notice to the respondents, returnable on 24/03/2023.

9. Mrs Shamshi Haider, learned AGP waives service on behalf of respondent Nos. 2 and 3.

Civil Application (CAF) No. 205/2022

1. By this application, the appellant is seeking stay to the implementation, execution and operation of the impugned

judgment and award passed by the learned Civil Judge Senior Division, Darwha in LAC No. 27/08.

2. Learned Advocate for the appellant submitted that, principal amount has already been deposited before the reference Court.

3. On depositing the balance amount along with amount towards statutory benefits within a period of ten weeks, the implementation, execution and operation of the award be stayed till final disposal of the appeal.

4. On failure to deposit the amount, the stay granted will be vacated automatically without further reference to the Court.

Civil application is disposed of.

JUDGE