

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

CIVIL APPLICATION (CAF) NO. 2683/2022 IN
FIRST APPEAL NO. 757/2011 (D)

V.I.D.C V/s Zebur Ukandya Kurwale 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 Vinay Dahat, h/f Shri J.B. Kasat, Advocate for the appellant.
Mr C.A. Babrekar, Advocate for the respondent No.1.
Mrs Shamshi Haider, AGP for the respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/02/2023.

1. Heard.
2. By this application, respondent No.1 / applicant is seeking permission for withdrawal of the amount. The first appeal is already disposed of as dismissed for non-compliance of the Courts order dated 18/06/2021.
3. As per the contention of the respondent No.1, he is old age about 80 years and he has no source of money. Due to paucity of funds, he is unable to survive and requested for permission to withdraw the amount.
4. Shri Vinay Dahat, advocate h/f Shri J.B. Kasat, advocate for the appellant has objected for withdrawal of the amount.
5. Considering the reasons mentioned in the application, the respondent No.1 is permitted to

withdraw the amount of Rs. 94,529/- which is deposited on 05/01/2012 along with accrued interest on usual undertaking.

Civil application is disposed of.

Misc. Civil Application No. 357/2022

1. By preferring this application, the applicant / appellant, the appellant is praying for restoration of the First Appeal bearing No. 757/2011 which was dismissed as private paper book was not filed within stipulated time.
2. As per contention of the appellant, due to oversight, the appeal was tagged with other appeal and therefore, the order was not noted by the advocate and hence, private paper book is not filed.
3. The said application is strongly opposed by the learned Advocate for the respondent No.1, on the ground that the appeal is of year 2011. Due to non-filing of the paper-book, it was delayed. Hence, the civil application deserved to be rejected.
4. Heard rival submissions of the parties and perused the application.
5. Considering the reasons mentioned in the application, on filing of private paper book within a

period of two weeks, the appeal be restored at its original stage.

6. Appeal be fixed for final hearing, after filing of private paper-book and its due verification.

7. Stand over after three weeks at the end of admission board.

8. First Appeal No. 758/2011 be tagged along with the present appeal.

JUDGE