



12.caf.714.2024 in fa.380.2021.odt

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

CIVIL APPLICATION (CAF) NO. 714 OF 2024

IN

FIRST APPEAL NO. 380 OF 2021

(VIDC & Anr. V/s Motiram Mahadevrao Vizekar & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Mallika Babhulkar, Advocate h/f Mr. M. A. Kadu,
Advocate for Appellants.

Mr. P. J. Mehta, Advocate for Respondent No.1.

Mr. S. C. Joshi, AGP for Respondent Nos.2 & 3/State.

CORAM : ANIL L. PANSARE, J.

DATE : FEBRUARY 28, 2024.

. Despite directions by this Court that the Applications, like the present Application, should not be listed without the order of dismissal of the Appeal having been annexed with the Application, Registry appears to have accepted the Application without the order of dismissal of the Appeal, annexed with the Application.

2. The Registrar (Judicial) shall enquire in the matter and file report as to why the orders passed by this Court has been not complied with.

3. The learned Counsel for the Appellants/VIDC submits that the copy of Application has been not served upon the Appellants.

4. Registry shall explain as to how the Application is listed without following the High Court Appellate Rules, 1968 and Practice Note.

5. List the Appeal at 2.30 p.m.

(ANIL L. PANSARE, J.)

Later on :

6. Perused report of the Registry. The concerned official has not insisted for the copy of dismissal order, because the Application is for withdrawal of balance amount on the ground that Appeal has been dismissed. The Registry has assured that henceforth it will be careful in this regard.

7. The learned Counsel for the Applicant submits that this Court has permitted withdrawal of the entire amount, however, before the amount could be withdrawn, Appeal came to be dismissed. If that be so, I fail to understand as to why this Application came to be filed, when permission to withdraw the balance amount was already granted by the Court. It is not the case of the Applicant that Registry has refused to permit withdrawal. Thus, no order is called for. Civil Application is disposed of accordingly.

(ANIL L. PANSARE, J.)