



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

CIVIL APPLICATION (CAO) NO.938 OF 2024 IN
MCA ST. NO.649 OF 2024 IN
FIRST APPEAL ST. NO.1342 OF 2018

VIDC, through EE, Yavatmal and another .Vs. Vithal Hari Jadhao (Deceased)
through LR.s.

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

Court's or Judge's Order

Shri Mallika Babhulkar, Advocate for appellants.

Shri Mohit Dube, Adv. h/f Shri A.B. Nakshane, Adv. for respondent Nos.1 to 7.

Ms. Deepa I. Charlewar, A.G.P. for respondent/State.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 03/08/2024

1. This is an application for condonation of delay of 435 days for filing restoration of first appeal.
2. Issue notice to the respondents.
3. Shri Dube, learned counsel waives service of notice for the respondent Nos.1 to 7.
4. Ms Deepa I. Charlewar, learned A.G.P. waives service of notice for the respondent Nos.8 and 9/State.
5. Heard learned advocates for both sides.
6. Perused the application.
7. Learned Advocates for the respondents strongly objected the application.
8. Considering the reasons stated in the application, the application deserves to be allowed in the interest of justice.
9. Civil application is **allowed** and **disposed of**.

MISC. CIVIL APPLICATION ST. NO.649 OF 2024

10. This is an application for restoration of appeal.
11. Issue notice to the respondents.
12. Shri Dube, learned counsel waives service of notice for the respondent Nos.1 to 7.
13. Ms Deepa I. Charlewar, learned A.G.P. waives service of notice for the respondent Nos.8 and 9/State.
14. Learned Advocates for the respondents strongly objected the application.
15. Considering reasons stated in the application, the application deserves to be allowed in the interest of justice.
16. Application is **allowed** and **disposed of**.

CIVIL APPLICATION (CAF) NO.2958 OF 2018

17. Issue notice to the respondents.
18. Shri Dube, learned counsel waives service of notice for the respondent Nos.1 to 7.
19. Ms Deepa I. Charlewar, learned A.G.P. waives service of notice for the respondent Nos.8 and 9/State.
20. This is an application for condonation of delay of 71 days caused for filing appeal.
21. Heard learned advocates for both sides.
22. Perused the application.

23. Learned Advocates for the respondents strongly objected the application.

24. For the reasons stated in the application, the application deserves to be allowed in the interest of justice.

25. Civil application is **allowed** and **disposed of**.

CIVIL APPLICATION ST. NO.14276 OF 2023

26. This is an application for withdrawal of amount deposited as per the award of the learned trial Court.

27. Heard learned advocates for both sides.

28. Perused the application.

29. An amount of Rs.4,43,306/- along with interest is deposited in this Court.

30. Considering peculiar set of facts, the respondent No.2/claimant is entitled to withdraw the 75% of amount.

31. Registry is directed to pay 75% of amount out of Rs.4,43,306/- along with accrued interest thereon to the power of attorney of the respondent No.2/claimant – Rajesh Vitthal Jadhao, after verification and usual undertaking.

32. The application is **partly allowed** and **disposed of**.

(SANJAY A. DESHMUKH, J.)