

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.F. NO.115/2015 IN FIRST APPEAL NO. 1006/2014
(G.M., CENTRAL RAILWAY, NAGPUR **VERSUS** GHANSHYAMDAS MOHANLAL KARWA)

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

Court's or Judge's orders

Shri R.G. Agrawal counsel for the appellant.
Shri J.T. Gilda, counsel for the R-1/applicant.
Mrs. K.R. Deshpande, A.G.P. for the R-2 & 3.

CORAM : B.R. GAVAI AND
MRS. MRIDULA BHATKAR, JJ.

DATE : JANUARY 16, 2015.

This is an application filed by the respondent no.1-applicant for withdrawal of the amount deposited by the appellant in the reference Court.

The appellant/non-applicant vehemently opposes the prayer made in the application.

Taking into consideration the fact that there is material on record to show that the land in question is having non-agricultural potential and that the compensation awarded is on the basis of the land being agricultural land, we find that it would be in the interest of justice to permit the applicant-respondent no.1 to withdraw 75% of the amount deposited in the reference Court on the respondent no.1-applicant giving an undertaking that in the event if it is found that he is required to refund any amount, he would do so within the time specified by this Court.

For the reasons aforesaid, the application is partly allowed. The applicant-respondent no.1 is permitted to withdraw 75% of the amount deposited in the reference Court on the respondent no.1-applicant giving an undertaking that in the event

if it is found that he is required to refund any amount, he would do so within the time specified by this Court.

The civil application is allowed in the aforesaid terms and disposed of.

JUDGE

JUDGE

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