

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION (CAF) NO.201 OF 2015

IN

FIRST APPEAL NO.585 OF 2014

(Vidarbha Irrigation Development Corporation, Wardha ..vs.. Vilas s/o Nanaji Raut and others)

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

Court's or Judge's orders

Shri S.K. Bhoyar, Advocate for the appellant,
Shri S.V. Sohoni, Advocate for the respondent Nos.1 to 6.

CORAM : Z.A. HAQ, J.

DATED : 02-02-2015

This is an application filed by the respondent Nos. 1 to 6 praying for permission to withdraw the substantial amount from the balance amount which is invested in fixed deposit by the Registry of this Court. The submission on behalf of the respondents is that the appellant is required to deposit an amount of Rs. 26,46,287.97 ps., however the appellant has deposited Rs.21,10,674/-. According to the respondents, the appellant is required to deposit additional amount of Rs. 5,35,613/-. The respondents have stated that as per the order passed on Civil Application No.560/2014 on 17-4-2014, the respondent Nos.1 to 6 are permitted to withdraw 50% of the amount deposited by the appellant and if the appellant deposits the additional amount of Rs. 5,35,613/-, the respondent Nos.1 to 6 will be entitled to withdraw 50% of this amount.

Shri S.K. Bhoyar, the learned Advocate submits that the appellant has rightly deposited the amount of Rs. 21,10,674/-. Considering the disputed question, the learned Advocates for the appellant and the respondent Nos.1 to 6 shall appear before the learned Registrar (Judicial) on 03-02-2015 and after hearing the learned Advocates, the learned Registrar (Judicial) shall examine as to whether the appellant is required to deposit the additional amount of Rs.5,35,613/-. If the learned Registrar (judicial) comes to the conclusion that the appellant is required to deposit the additional amount of Rs.5,35,613/-, the respondent Nos.1 to 6 shall be permitted to withdraw 50% of that amount from the deposit which is invested in fixed deposit by the Registry of this Court and the appellant shall deposit the additional amount of Rs.5,35,613/- within three months from the date of the order which would be passed by the learned Registrar (Judicial) of this Court.

The civil application is disposed in the above terms.

JUDGE