

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

CIVIL APPLICATION (CAF) NO.1261 OF 2014

IN

FIRST APPEAL ST. NO.2058 OF 2014

**VIDC, thr its Exe. Engineer, Khadakpurna Project, Tah. Deulgaonraja, Distt.
Buldhana**

..vs..

Vikram Sakharam Shingne and ors

.....
.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
Order
and Registrar's orders
.....
.....
Court's or Judge's

**Shri Anoop Parihar, counsel for the
applicant/appellant.
Shri K.J. Narwade, counsel for NA No.1/Resp.
Shri H.D. Dubey, AGP for NA Nos.2 &
3./Resps.**

CORAM : A. S. CHANDURKAR, J.

DATED : APRIL 16, 2015

Heard.

For the reasons mentioned in the application,
the delay in filing the first appeal stands condoned.

The civil application is allowed and disposed of
accordingly.

FIRST APPEAL ST. NO.2058 OF 2014

Heard.

ADMIT.

The record and proceedings be called for.

Shri K.J. Narwade, learned counsel, waives notice for respondent No.1.

Shri H.D. Dubey, learned Assistant Government Pleader, waives notice for respondent Nos.2 and 3.

Civil Application (CAF) No.192 of 2015

Heard.

The prayer is to permit applicant / respondent No.1 to withdraw the amount of enhanced compensation. It is submitted that in other appeals, arising out of same Notification, such permission has been granted subject to furnishing solvent surety for half of the amount. This fact is not disputed by learned counsel for the appellant.

Hence, for the reasons mentioned in the application, applicant / respondent No.1 is permitted to withdraw the amount deposited with the reference Court in the following manner :

i) 50% of the deposited amount shall be permitted to be withdrawn subject to furnishing solvent surety to the satisfaction of the reference Court.

ii) Remaining 50% of the amount shall be

permitted to be withdrawn on filing an undertaking in this Court that in case the first appeal is allowed, the said amount shall be repaid with interest at such a rate the Court may then direct.

Accordingly, the civil application is disposed of.

JUDGE

!! BRW !!