

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

CIVIL APPLICATION (CAF) NO.339 OF 2015

IN

FIRST APPEAL NO.269 OF 2014

(Executive Engineer, Lower Wardha Canal Division, Wardha ..vs.. Murlidhar s/o Onkarrao Madve and others)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 10-02-2015

Heard Shri A.V. Palshikar, the learned Advocate for the applicant, Shri C.R. Najbile, the learned Advocate for the non-applicant No.1 and Smt. A.R. Taiwade, the learned Assistant Government Pleader for the non-applicant Nos. 2 and 3.

2. For the reasons stated in the application and the fact that it is not opposed by the non-applicants inasmuch as the reply is not filed, the applicant is permitted to deposit the amount as per the impugned order. If the amount is deposited till 20-2-2015, the interim order granted on 07-10-2014 shall continue till the decision of the appeal. If the amount is not deposited within the stipulated time, the interim order shall stand vacated without reference to the Court.

3. If the amount is deposited within the stipulated

time, the non-applicant No.1 is permitted to withdraw 50% of the amount, on filing an undertaking to the satisfaction of the learned Registrar (Judicial) of this Court to the effect that in case at the time of hearing of the appeal it is found that the non-applicant No.1 is not entitled for the amount withdrawn by him, the non-applicant No.1 shall redeposit the amount with the Registry of this Court with interest as would be determined by this Court, within the stipulated time.

4. The balance 50% of the amount shall be kept in fixed deposit in a Nationalised Bank initially for the period of three years, to be renewed every year till the decision of the appeal.

5. The civil application is disposed in the above terms.

JUDGE