

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

CIVIL APPLICATION (CAF) NO. 1908 OF 2014

IN

FIRST APPEAL ST. NO. 2288 OF 2014

(VIDARBHA IRRIGATION DEVELOPMENT CORPN ..VS..SAHEBRAO BHIKA SHINGNE & ORS)

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 : MARCH 04, 2015.

Heard Shri Abhijit Parihar, the learned advocate for the applicant, Shri K.S. Narwade, learned advocate for the non-applicant No.1 and Mrs. B.P.Maldhure, learned A.G.P. for the non-applicant Nos. 2 and 3.

For the reasons stated in the application and the fact that it is not opposed by the non-applicants, inasmuch as reply is not filed by the non-applicants, the delay of 29 days in filing the appeal is condoned. The Civil Application is disposed of.

FIRST APPEAL STAMP NO. 2288/2014.

Taken up on board for admission by the consent of the learned advocates for the respective parties.

ADMIT

Shri Narwade, the learned advocate waives notice for the respondent No.1 and Mrs. B.P. Maldhure, learned AGP waives notice for the respondent Nos. 2 and 3.

CIVIL APPLN.NO. 1909/2014.

The learned advocates for the respective parties submit that in the connected appeals arising out of the same order, which is challenged in this appeal, this Court has permitted the respondent/owner to withdraw 50% of the amount deposited by the appellant on furnishing surety to the satisfaction of the Reference Court and balance 50% of the amount is permitted to be withdrawn on filing an undertaking to the satisfaction of the Reference Court that in case the appeal is allowed, the respondent shall repay the amount withdrawn by him with interest as would be determined by the Court, within the stipulated time. The respondent No.1 is permitted to withdraw the amount in the above terms.

CIVIL APPLN.(CAO) NO.90/2015.

In view of the order passed on Civil Application No. 1909 of 2014 no orders are required on this application.

JUDGE