

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

CIVIL APPLICATION (CAF) NO.1300 OF 2014
IN
FIRST APPEAL (ST) NO.2859 OF 2014

V.I.D.C. Thr. its Executive Engineer, Minor Irrigation, Washim

-vs-

Devrao Vikram More & Anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Anoop Parihar, Advocate for appellant.
Shri V.K. Paliwal, Advocate for respondent No.1.
Smt. M. N. Hiwase, AGP for respondent No.2.

CORAM : A.S.CHANDURKAR, J.
DATE : MARCH 30, 2015

Though the application for condonation of delay is opposed by the learned counsel for respondent No.1, for the reasons assigned in the application, the same is allowed. Delay in filing the Appeal stands condoned.

C.A. is disposed of.

F.A. (ST) No.2859 of 2014

Heard.

Admit.

Call for record and proceedings.

Shri V. K. Paliwal, learned counsel waives notice on behalf of respondent No.1. Learned AGP waives notice for respondent No.2.

C.A.F. No.1301 of 2014

As the appellant has deposited the entire amount as awarded by the Reference Court, the *ad interim* order granted on 12/08/2014 stands confirmed. C.A. is disposed of.

C.A.F. No.377 of 2015

Prayer is to permit respondent No.1 to withdraw the amount of compensation deposited by the appellant in terms of judgment of the Reference Court.

The Application is opposed by the appellant on the ground that the amount as awarded by the Reference Court is enhanced without sufficient evidence.

Considering the judgment of Reference Court and the purpose for withdrawal, respondent No.1 is permitted to withdraw sum of Rs.7,08,133/- on following terms.

Respondent No.1 shall give personal undertaking in respect of 50% of aforesaid amount that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. Balance amount is permitted to be withdrawn without furnishing any surety.

C.A. is allowed in aforesaid terms.

JUDGE