

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

FIRST APPEAL NO.186 OF 2015

Vidarbha Irrigation Development Corporation, Thr. its Executive Engineer, Minor Irrigation,
Washim

-vs-

Bhagwat s/o Sopan Waibhase & 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.
Shri H.D.Dubey, AGP for respondent No.2.

CORAM : A.S.CHANDURKAR, J.

DATE : MARCH 30, 2015

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.1432 of 2014

As the appellant has deposited the entire amount in terms of order
dated 04/08/2014, *ad interim* stay granted earlier stands confirmed.
C.A. is disposed of.

C.A.F. No.748 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.3,17,800/- 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 Balance amount is permitted to be withdrawn without furnishing any surety.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