

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

CIVIL APPLICATION NO.335 OF 2015

IN

CIVIL APPLICATION (CAF) NO.2236 OF 2014

IN

FIRST APPEAL NO.640 OF 2014

(VIDC, through its Executive Engineer ..vs.. Ramesh Nanaji Raut 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 : 25-02-2015

Shri S.U. Nemade, the learned for the respondent No.1 submits that the appellant has deposited the amount as per the impugned order with the reference Court and not with the Registry of this Court. It is submitted that the order dated 16-01-2015 came to be passed permitting the respondent No.1 to withdraw the amount on filing undertaking to the satisfaction of the learned Registrar of this Court on the erroneous premise that the amount is deposited with the Registry of this Court. Accordingly, the modification of the order dated 16-01-2015 is sought.

Considering the fact that the amount is deposited by the appellant before the reference Court, the order dated 16-01-2015 is modified and it shall be read as follows :

Considering the facts of the case, the respondent No.1 is permitted to withdraw 25% of the amount deposited by the appellant, on filing an undertaking to the satisfaction of the reference Court that if the appeal is allowed, the respondent No.1 shall re-deposit the amount alongwith interest as would be determined by this Court within the stipulated time. The respondent No.1 is permitted to withdraw additional 25% of the amount deposited by the appellant on furnishing the solvent surety to the satisfaction of the reference Court. The balance 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.

The interim order granted by this Court shall continue till the decision of the appeal.

The civil application is allowed in the above terms.

JUDGE