

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

CIVIL APPLICATION (CAF) NO.493 OF 2015
IN
FIRST APPEAL NO.905 OF 2013

Executive Engineer, L.W.P.Dvn. Wardha -vs- Vijay S/o Mahadeo Gulhane & Ors.

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

Court's or Judge's Orders.

Shri V. G. Palshikar, Advocate for appellant.
Ms Varsha Wasu, Advocate for respondent Nos.1 to 3.

CORAM : A.S.CHANDURKAR, J.
DATE : APRIL 10, 2015

Prayer in the application is to permit the applicants to withdraw entire amount of enhanced compensation. Reasons for withdrawal are that the amount is required for purposes of education as well as marriage of daughter of applicant No.3.

The application is opposed by learned counsel for the appellant. It is submitted that enhancement is on a higher side. It is also submitted that the interests of the appellant be duly protected if amount is permitted to be withdrawn.

Considering the nature of evidence on record and the quantum of enhancement, the applicants are permitted to withdraw sum of Rs.20,00,000/- on the following terms :

- (i) For amount of Rs.10,00,000/-, applicants shall furnish solvent surety to the satisfaction of the Registrar (Judicial).
- (ii) For remaining amount of Rs.10,00,000/-, applicants shall furnish undertaking stating therein that in case appeal is allowed, the said amount shall be returned with interest at such rate the Court may direct. C.A. is disposed of.

JUDGE