

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

C.A.F. NO.1609/2014

IN

FIRST APPEAL STAMP NO.2332/2014

Executive Engineer, Khadakpurna Project Division, Deulgaon Raja

..Versus..

Dnyandeo Sakharam Shingne 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.

DATE : 2.3.2015

Heard Shri S.S. Godbole, the learned advocate for the
applicant, Shri K.S. Narwade, the learned advocate for the
non-applicant no.1 and Ms. Taywade, the learned A.G.P. for the
non-applicants 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 42 days in filing the appeal is condoned.

The civil application is disposed of.

FIRST APPEAL STAMP NO.2332/2014

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.

Ms. Taywade, the learned A.G.P., waives notice for the respondents 2 and 3.

The private paper book is dispensed with.

C.A.F. NO.83/2015.

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 - land 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on furnishing surety to the satisfaction of the Reference Court and balance 50% of the amount is permitted to be withdrawn on filing an undertaking to the satisfaction of the Reference Court that in case the appeal is allowed, the respondent shall repay the amount withdrawn by him with interest as would be determined by the Court, within the stipulated time.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.

JUDGE

Tambaskar.