

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

CIVIL APPLICATION F. NO.536/2015

IN

FIRST APPEAL NO.1375/2013

Executive Engineer, Lower Wardha Project Division, Wardha

..Versus...

Suresh s/o Bholaji Ghotkar and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Agrawal, Adv. h/f Shri P.B. Patil, Adv. for appellant/applicant
Ms Varsha Wasu, Advocate for respondent no.1
Mrs. B.P. Maldhure, AGP for respondent nos.2 to 5

CORAM : Z.A. HAQ, J.

DATE : 25.02.2015

The appeal is filed by the Executive Engineer challenging the order passed by the reference Court under Section 18 of the Land Acquisition Act, 1894. The appellant/Executive Engineer was party before the reference Court.

The civil application filed on behalf of the Executive Engineer praying for leave to file appeal is misconceived.

The civil application is rejected.

FIRST APPEAL NO.1375/2013

Heard the learned Advocates for the respective parties.

ADMIT.

Advocate Ms Varsha Wasu waives notice on behalf of the respondent no.1. Learned Assistant Government Pleader Mrs. B.P. Maldhure waives notice on behalf of the respondent nos.2 to 5.

The appellant shall file private paper-book till 30.09.2015.

CIVIL APPLICATION F. NO.2911/2013

Considering the facts of the case and the challenge as raised by the appellant, the respondent no.1 is permitted to withdraw Rs.15,00,000/- from the amount deposited by the appellant on filing undertaking before the Registrar (Judicial) of this Court to the effect that if at the time of hearing it is found that the respondent no.1 is not entitled for the amount withdrawn by him, he shall deposit the amount with interest as would be determined by this Court within stipulated time.

The balance amount be kept in fixed deposit in the Nationalized Bank initially for the period of three years and to be renewed every year till the decision of the appeal.

The civil application is disposed of in the above terms.

JUDGE