

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

CIVIL APPLICATION (CAF) NO. 611 OF 2015

IN

FIRST APPEAL NO. 226 OF 2011

(Executive Engineer, Medium Project VIDC Vs. Sheshrao Baliramji Bodhare & the State)

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

Court's or Judge's orders

Shri J. B. Kasat, Advocate for the appellant.
Shri C. R. Najbile, Advocate for respondent No.1/applicant.
Smt. Kalyani Deshpande, A.G.P. for respondent No.2.

**CORAM : B. P. DHARMADHIKARI
AND S. B. SHUKRE, JJ.**

DATED : 06 APRIL, 2015

Respondent No.1-land owner seeks leave to
withdraw the amount deposited by the appellant in this
Court.

On 19/3/2015 Advocate Shri Najbile pointed
out that identical request is granted on 02/3/2015 while
allowing Civil Application No. 372 of 2015. We
adjourned the matter to today to enable the Counsel for
the appellant to find out correct position.

Today, learned Counsel for the appellant has
tendered reply. It is taken on record. However, the fact
that in identical situation, this Court has passed orders on
02/3/2015 is not in dispute. Hence, after considering the
contentions in the backdrop of order dated 02/3/2015,
we allow the present civil application.

Half of the amount deposited in this Court is allowed to be withdrawn by the applicant/respondent No.1 with an undertaking that in case the appeal is allowed, he shall refund it within six weeks thereafter with such an interest as this Court in that event orders. Remaining 50% amount is permitted to be withdrawn upon the applicant-respondent No.1 furnishing solvent surety to the satisfaction of the Registrar (Judicial) of this Court.

Civil application is accordingly disposed of.

No costs.

JUDGE

JUDGE