

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAF) NO. 925 OF 2015
IN
FIRST APPEAL NO. 541 OF 2014

VIDC thr Exe. Engineer Wardha Vs. Sunil Devidasrao Kale & Ors.

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

Court's or Judge's Order

Shri S. K. Bhoyar Adv for appellant.
Shri S.S. Mandle Adv for respondent no.1.

CORAM: A. S. CHANDURKAR J.

DATED: 17 APRIL, 2015.

This application is moved by the respondent no.1 praying that the conditions imposed for withdrawing the amount of compensation vide order dated 07.07.2014 be partly modified. It is stated that though the respondent no.1 was permitted to withdraw 50% of the amount of compensation by furnishing surety, said respondent is unable to obtain such surety. It is, therefore, prayed that the direction to furnish surety be modified.

The application is opposed by learned counsel for the appellant on the ground that enhancement granted by the Reference Court is without sufficient evidence.

Considering the reasons assigned in the application the

respondent no. 1 is permitted to withdraw 30% of the amount deposited by the appellant in the Reference Court subject to filing undertaking in this Court that in case the appeal is allowed the amount withdrawn would be repaid with interest as at such rate the Court may direct. It is open for the respondent no.1 to apply for permission to withdraw any further amount which request shall be considered on its own merits. Civil application disposed of.

JUDGE

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