

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

Civil Application (F) No.1040 of 2013
in

First Appeal No. 114 of 2013

Executive Engineer, Nagpur, Medium Project Div. (V.I.D.C.), Plot no. 13,
Civil Liens, Nagpur.

-Vrs.-

Smt. Saraswatabai sd/o Balkrishna, Tambulkar and Ors.

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

Court's or Judge's orders.

Mr. Palshikar, learned counsel for applicant.
Mr. S.N. Mashajan, learned counsel for respondents.
Mrs. Maldhure, AGP for State.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : 1st SEPTEMBER, 2015

Heard Advocate Mahajan for landowner applicant,
Advocate Palshikar for acquiring body (appellant) and learned
Additional Govt. Pleader for State.

This court admitted appeal on 7.5.2013 and granted
stay to recovery as the appellant had already deposited the
amount with the Registry of this court. Civil application No.
1040/2013 was filed on 16.4.2013 seeking leave to withdraw
amount of Rs.14,08,553/- on the ground of a marriage in the
family. The marriage was to take place on 3rd May, 2013.

It is not in dispute that marriage has already taken
place. It is also not in dispute that impugned judgment has
been delivered by Reference Court after matter was remanded

back as present appellant was not party. While permitting present appellant to be impleaded as party, the 50% of the amount then awarded by the Reference Court was allowed to be withdrawn.

In this situation, at this juncture we are not inclined to consider prayers made in Civil Application No.1040/2013.

With liberty to land owner to move fresh application giving appropriate grounds, we dispose of the the civil application.

JUDGE

JUDGE

Hirekhan