

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

CIVIL APPLICATION (CAF) NO.21 OF 2015
IN
FIRST APPEAL NO.413 OF 2009

V.I.D.C. Thr. Executive Engineer, L.W.P.D. Wardha.

-vs-

Narayan Bhagwant Kadam & Ors.

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

Court's or Judge's Orders.

Shri V. G. Palshikar, Advocate for appellant.
Shri A. R. Wagh, Advocate for respondent No.1.
Shri H. D. Dubey, AGP for respondent Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.
DATE : APRIL 06, 2015

Prayer is to permit respondent No.1 to withdraw the amount of enhanced compensation deposited by the appellant in this Court. It is stated that respondent No.1 is a senior citizen without any source of income.

The application is opposed by the learned counsel for the appellant on the ground that the reference proceedings were filed beyond the period of limitation.

Considering the prima facie adjudication of the reference on merits, respondent No.1 is permitted to withdraw sum of Rs.1,00,000/- from the amount of compensation deposited by the appellant. Respondent No.1 shall however, file an undertaking that in case the appeal is allowed, the aforesaid amount shall be returned with interest at such rate the Court may direct.

C.A. is allowed in aforesaid terms and disposed of accordingly.

JUDGE