

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

FIRST APPEAL NO.462 OF 2015

The Executive Engineer, Lower Wardha Project Division, VIDC, Wardha

..vs..

Md. Abdul Waheeb Md. Idrees and ors

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

Court's or Judge's Order

Shri S.G. Jagtap, Counsel for the Appellant.
Shri Abhijeet Khare, Counsel for R-1.
Mrs. M.N. Hiwase, AGP for R-2 & 3.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.**

DATED : OCTOBER 19, 2015.

Heard.

This Court has, on 31.8.2015, after hearing learned counsel for the rival parties, confirmed interim order subject to right of respondent No.1 – landlord to move for withdrawal.

In view of observations therein, the first appeal is admitted for final hearing.

Learned counsel for respondent No.1 and learned AGP for respondent No.2 and 3 waive notice.

Civil Application (CAF) No.2571 of 2015

Heard learned counsel for the respective parties.

Perused the application so also the impugned

.....2/-

judgment delivered by the Reference Court. *Prima faice*, separate compensation has been awarded for the land acquired as also for the trees.

In this situation, we had directed acquiring body to deposit 50% of the amount as awarded by the Reference Court. We permit respondent No.1 - landlord to withdraw that amount after giving an undertaking that, in case the appeal is allowed, he shall refund it within next sixty days with such interest as this Court may then award.

The civil application is partly allowed and disposed of as such.

JUDGE

JUDGE

!! BRW !!

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