

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

CIVIL APPLICATION NO.3479 OF 2014
WITH
CIVIL APPLICATION NO.1091 OF 2015
IN
FIRST APPEAL NO.396 OF 2014

Executive Engineer, Minor Irrigation Division, Washim.

-vs-

Punjabrao Sitaram Rathod & Anr.

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 S. C. Mehadia, Advocate for L.Rs of respondent No.1.
Smt. M. N. Hiwase, AGP for respondent No.2.

CORAM : A.S.CHANDURKAR, J.
DATE : APRIL 29, 2015

By these applications, prayer is made to set aside abatement of the appeal in view of the death of respondent No.1. Reasons for delay are mentioned in the application.

Shri S. C. Mehadia, learned counsel appearing for the legal representatives opposes the prayer made in the application.

Considering the reasons assigned, the applications are allowed. The legal representatives of respondent No.1 are permitted to be brought on record. Amendment be carried out within period of ten days.

Civil applications are allowed and disposed of.

Shri S.C. Mehadia, learned counsel waives notice on behalf of legal representatives in the first appeal.

Civil Application No.449 of 2015

Prayer is to permit the claimants to withdraw the amount

of enhanced compensation.

The prayer is opposed by counsel for the appellant on the ground that enhancement is on a higher side.

Considering the evidence on record, the claimants are permitted to withdraw 50% of the amount deposited by furnishing solvent surety/security to the satisfaction of the Registrar (Judicial). Remaining amount is permitted to be withdrawn subject to furnishing usual undertaking.

Civil application is allowed and disposed of.

JUDGE