

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

Civil Application [CAF] No.2325 of 2016
in
First Appeal Stamp No.3433 of 2015

(Executive Engineer, Lower Wardha Project Division, Wardha
vs.

Smt. Kamlabai Purushottamrao Sote and others)

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

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Court's or Judge's Orders

Shri S.K. Bhoyar, Advocate for the Applicant/Appellant.
Shri M.M. Agnihotri, Advocate for Non-Applicant No.1
Shri K.R. Lule, A.G.P. for Non-Applicant Nos.2 and 3.

CORAM : S.B. SHUKRE, J.
DATE : 25th NOVEMBER, 2016.

Heard.

On going through the application carefully, I find that there is sufficient cause disclosing inasmuch as no *mala fides* are involved. The application, therefore, deserves to be allowed.

The application is allowed and disposed of. The delay is condoned.

First Appeal Stamp No.3433/2015 :

Heard.

Admit.

Call for record and proceedings.

Shri Agnihotri, learned Counsel waives notice on behalf of respondent No.1 and Shri Lule, learned A.G.P. waives for respondent Nos.2 and 3.

Civil Application [CAF] No.2326/2016 :

Heard.

The appeal is admitted, therefore, the interim stay

granted by this Court on 19th July, 2016 is confirmed till final disposal of the appeal.

The application is allowed and disposed of accordingly.

Civil Application [CAO] No.1826/2016 :

Heard.

Considering the rate of compensation and the ground of the appeal, I am of the view that this application can be allowed conditionally.

The application is allowed and the permission is granted to respondent No.1 to withdraw the entire amount deposited in this Court subject to the condition that respondent No.1 shall furnish an undertaking to the Court to the effect that in the event of any adverse order being passed against her, she shall refund the amount with accrued interest within four weeks from the date of that order. Undertaking shall be furnished within two weeks from the date of this order.

The application is disposed of.

*sdw

JUDGE