

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

CIVIL APPLICATION (CAF) NO. 1279 OF 2016
IN
FIRST APPEAL NO. 1090 OF 2015

Exe. Engineer VIDC Buldhana Vs. Govt. of Maharashtra Collector Buldhana & Ano.

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

Court's or Judge's Order

Shri P.B. Patil Adv for appellant.
Ms. N. P. Mehta AGP for respondent 1.
Shri S. S. Gaikwad Adv for respondent 2.

CORAM: A. S. CHANDURKAR J.

DATED: 4th MAY, 2016._____

Prayer is to permit the claimant to withdraw the amount of compensation deposited by the appellant.

The application is opposed by the learned counsel for the appellant by relying upon the reply filed on its behalf. It is submitted that there is a dispute with regard to existence of 270 Sag trees and approximately an amount of Rs. 50,00,000/- appears to be the compensation awarded on said head. It is, therefore, submitted that if the prayer is allowed, the claimant be permitted to withdraw reasonable amount of compensation.

Perused the judgment of the Reference Court. The claimant is permitted to withdraw 50% of the amount deposited on filing undertaking that in case the appeal is allowed said amount shall be repaid with interest at such rate the Court may direct. Remaining 50% of the amount is permitted to be withdrawn on furnishing solvent security to the satisfaction of the Registrar (Judicial). Civil application is disposed of.

JUDGE