

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

CIVIL APPLICATION (F) NO.2331 OF 2015  
IN  
FIRST APPEAL ST. NO.9771 OF 2015.

THE EXECUTIVE ENGINEER, KHADAKAPURNA PROJECT DIVISION BULDHANA  
VS  
KISAN ARJUN MATE AND OTHERS

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

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Shri S. S. Godbole, Advocate for the appellant.  
Shri K. S. Narwade, Advocate for the respondent No.1.  
Shri H. R. Dhumale, Asstt. Government Pleader for respondent Nos.2&3.  
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**CORAM : A.S. CHANDURKAR, J.**

**DATED : MAY 05, 2016.**

Though the prayer for condonation of delay is opposed by the learned Counsel for the non-applicant No.1, considering the reasons mentioned in the application, the delay in filing the first appeal stands condoned.

Civil application is allowed and disposed of.

**FIRST APPEAL ST. NO.9771/2015.**

Heard.

Admit.

Call for R & P.

Shri K. S. Narwade, the learned Counsel waives notice for the respondent No.1 and Shri H. R. Dhumale, the learned Assistant Government Pleader waives notice on behalf of the respondent Nos.2 & 3.

**CIVIL APPLICATION (F) NO.901 OF 2016.**

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

Perused the judgment of the Reference Court.

The claimant is permitted to withdraw an amount of Rs.5,00,000/- on filing an undertaking that in case the appeal is allowed the amount withdrawn shall be repaid with interest at such rate the Court may direct.

Further amount of Rs.5,00,000/- is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial). The rest of the amount be invested in fixed deposit.

Civil application is allowed and disposed of.

JUDGE

/MULEY/