

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

Civil Application [CAF] No.2216 of 2016
in
First Appeal No.366 of 2014

(V.I.D.C., through the Executive Engineer, Wardha
vs.
Vishwasrao Gopalrao Shirpurkar and others)

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

Court's or Judge's Orders

Shri U.K. Bisen, Advocate for the Applicant/Respondent No.1.
Shri Abhijit Parihar, Advocate for the Appellant.
Shri K.R. Lule, A.G.P. for Respondent Nos.2 and 3.

CORAM : S.B. SHUKRE, J.
DATE : 5th DECEMBER, 2016.

Heard.

The appellant has deposited only 50% of the decretal amount. Although the sale instances of the year 2008 have been considered, *prima facie*, it appears that such consideration was only for the purpose of using the year as a point of reference for appropriate valuation of the market value of the land in the year 2003. It also *prima facie* appears that the sale consideration of the year 2008, which was of about Rs.39,37,000/-, has been reduced to Rs.8,00,000/- for the year 2008 by approximation. In these circumstances, I am of the view that this application can be conditionally allowed.

The application is allowed. The claimants are

permitted to withdraw 50% of the decretal amount deposited in this Court against an usual undertaking and remaining 50% amount against solvent surety to the satisfaction of the Registrar (Judicial), to be furnished within four weeks from the date of the order.

**sdw*

JUDGE