

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

CIVIL APPLICATION (CAF) NO.3079 OF 2016

IN

FIRST APPEAL NO.113 OF 2015

(Executive Engineer, Medium Project Division-1, Chandrapur ..vs.. Ramrao Sudamji Tajne (dead)
through his L.Rs. and others)

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

Court's or Judge's orders

Shri S.S. Godbole, Advocate for the appellant,
Shri Girish Kandhari, Advocate h/f. Shri Anjan De, Advocate for the
respondent Nos.1(a) to 1(e),
Ms. S.Z. Haider, AGP for the respondent No.2.

CORAM : Z.A. HAQ, J.

DATED : 01-10-2016

Order was passed on 30-09-2016 on this application, however, before it could be signed it was noticed that the order was passed under misunderstanding and therefore, the order was not signed and the office was directed to list the matter again.

Heard.

By the order dated 11-01-2016, this Court permitted the claimant to withdraw 50% of the amount on furnishing solvent security to the satisfaction of the learned Registrar (Judicial) of this Court. It is submitted on behalf of the respondent Nos.1(a) to 1(e) that before the amount could be withdrawn, the original respondent

No.1/claimant died and the respondent Nos.1(a) to 1(e) are brought on record as his legal heirs. The respondent Nos.1(a) to 1(e) have prayed that they be permitted to withdraw the amount as per the order dated 11-01-2016.

Considering the facts of the case and the order passed on 11-01-2016, the respondent Nos.1(a) to 1(e) are permitted to withdraw 50% of the amount deposited by the appellant on solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. The amount be given to the respondent Nos.1(a) to 1(e) in equal proportion.

The balance amount be continued in fixed deposit in a nationalised bank till the disposal of appeal.

The civil application is allowed in the above terms.

The unsigned order dated 30-09-2016 is kept on record, under the signature of Personal Assistant and Sheristedar.

JUDGE

adgokar

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : P.M. Adgokar.

Uploaded on : 03-10-2016.

P.A. to Hon'ble Judge.