

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

CIVIL APPLICATION (CAF) NO.3488 OF 2016

IN

FIRST APPEAL NO.1396 OF 2013

(Executive Engineer, Lower Wardha Canal Division, Wardha ..vs.. Bhaurao s/o Namaji Kolhe (dead)
 through LR's 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 V.G. Palshikar, Advocate for the appellant,
 Shri D.M. Surjuse, Advocate for the respondent Nos.1(a) to 1(f),
 Shri M.A. Kadu, AGP for the respondent Nos.2 and 3.

CORAM : Z.A. HAQ, J.

DATED : 26-10-2016

Heard.

The learned Advocate for the respondent Nos.1(a) to 1(f)/claimants has pointed out the orders placed on record alongwith the application and has submitted that the appeals in which the orders are passed, are in respect of acquisition proceedings of lands pursuant to same notification and for the same project.

Accepting the submission, the respondent Nos.1(a) to 1(f)/claimants are permitted to withdraw 50% of the amount deposited by the appellant on furnishing solvent surety/security to the satisfaction of the reference Court. The balance amount be given to the claimants on filing an undertaking before the reference Court stating that if it is found that the claimants are not

entitled for the amount withdrawn by them, they will redeposit the amount with interest as may be determined by the reference Court, within two months.

The amount be transmitted to the joint account of the respondent Nos.1(a) to 1(f)/claimants. If the respondent Nos.1(a) to 1(f)/claimants are not having joint account, the reference Court may disburse the amount proportionately determining the entitlement of each of the claimant.

The civil application is allowed in the above terms.

JUDGE

adgokar