

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

**CIVIL APPLICATION (CAF) NO.258 OF 2016 AND FIRST APPEAL (STAMP)
NO.21826 OF 2015**

(Executive Engineer, Lower Wardha Project Division, Wardha ..vs.. Smt. Chhaya wd/o Arvind Ithape
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.K. Bhoyar, Advocate for the applicant,
Shri A.R. Ingole, Advocate for respondent Nos.1 to 7,
Smt. A.R. Kulkarni, A.G.P. for the respondent Nos.8 and 9.

CORAM : Z.A. HAQ, J.
DATED : 20-01-2017

The respondent Nos.1 to 7 against whom the appeal is dismissed as the appellant had not supplied copies for issuing notice to them, have filed Civil Application No.254/2017. As the respondent Nos.1 to 7 are before the Court, the order passed by the learned Registrar (Judicial) on 12-04-2016 is set aside and the appeal against the respondent Nos.1 to 7 is restored.

Shri A.R. Ingole, Advocate waives notices of appeal for the respondent Nos.1 to 7.

Civil Application No.254/2017.

Heard.

Considering the facts of the case, the claimants are permitted to withdraw Rs.8,00,000/- from the amount deposited by the appellant on furnishing

undertaking before the learned Registrar(Judicial) of this Court stating that in case this Court concludes that the respondent Nos.1 to 7/claimants are not entitled for the amount withdrawn by them, they will redeposit it with interest as may be determined by this Court, within two months from the date of order. The amount be transferred in the joint account of the respondent Nos.1 to 7/claimants after the undertaking is furnished as directed above. The balance amount be continued in fixed deposit in a nationalised bank till disposal of the appeal.

The civil application is allowed accordingly.

JUDGE

adgokar