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

**CIVIL APPLICATION (F) NO.1494 OF 2017
IN
FIRST APPEAL NO. 672 OF 2016**

The Executive Engineer,
Bemba Project Division,
Yavatmal, Tah. & Dist. Yavatmal. ..APPELLANT

VERSUS

Shri Madhukar Bhimrao Pawar,
Aged about Major, R/o. Kopra
Tah. Babhulgaon, Distt. Yavatmal
& ors ..RESPONDENTS

Mr V.G. Palshikar, Advocate for appellant;
Mr M.P. Kariya, Advocate for respondent No.1;
Mr A.D. Sanak, A.G.P. for respondent Nos. 2 and 3

CORAM : N.W. SAMBRE, J.

DATE : 29th MARCH, 2017

ORAL ORDER :

Having heard respective Counsel, the application for withdrawal of amount, in my opinion, needs to be allowed on following terms :

The claimant – land owner is permitted to withdraw the amount to the extent of 75% of the amount deposited by furnishing undertaking that in case the appeal is allowed, said amount shall be

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repaid with interest at such rate the Court may direct and remaining amount to the extent of 25% is permitted to withdraw upon furnishing solvent surety to the satisfaction of the Registrar (Judicial).

2. Civil Application stands allowed in above terms and disposed of.

(N.W. SAMBRE, J.)

Tupe