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

**CIVIL APPLICATION NO. 1657 OF 2017
IN
FIRST APPEAL NO. 249 OF 2017**

Executive Engineer, Lower Wardha
Project Division, Vidarbha
Irrigation Development Corporation. ..APPELLANT

VERSUS

Ganesh s/o Ambadasrao Dautpure,
aged about 45 years, Occ: Cultivator,
R/o. Rajapur, Tah. Arvi,
Dist. Wardha & ors ..RESPONDENTS

Mr P.B. Patil, Advocate for appellant;
Mr S.D. Chopde, Advocate for respondent Nos.1 to 4;
Mrs M.H. Deshmukh, A.G.P. for respondent Nos. 5 & 6

CORAM : N.W. SAMBRE, J.

DATE : 17th APRIL, 2017

ORAL ORDER :

Heard.

2. The claimants seek permission to withdraw the amount of compensation deposited by the appellant.

3. Perused the impugned award.

(2)

4. The claimants are permitted to withdraw 50% of the amount deposited on filing undertaking that in case the appeal is allowed, the amount withdrawn shall be refunded with interest at such rate the Court may direct.

5. The remaining amount be permitted to be withdrawn subject to filing solvent surety/security to the satisfaction of the Registrar (Judicial).

6. The application is allowed and disposed of.

7. Paper book be filed within a period of twelve weeks from today, failing which, the appeal shall stand dismissed without reference to the Court.

(N.W. SAMBRE, J.)

Tupe