

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

First Appeal No.703/2016

The Executive Engineer, Nagpur medium Project Divn., VIDC, Nagpur.

Vs.

Pandurang maoti Kale and others

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

Court's or Judge's orders.

Mr. S.S.Godbole, Advocate for appellant.
Mr. S.V.Deshmukh, Adv. For R.no. 1.
Mrs.Mrunal Naik, AGP for respondent nos. 2 and 3.

CORAM : N.W.SAMBRE, J.

DATE : APRIL 05, 2017

CAF No.1663/2017

This is an application for withdrawal of decretal amount deposited by the appellant.

The application is strongly objected on the ground that in area 0.38 hectares, 183 orange trees cannot be planted.

The award is based on the evidence which is brought before the learned reference Court. As such, there is hardly any material to infer any disparity. Apart from above, vide order dated June 19, 2012 passed in CAF No.2181/2011 in FA St.No.7617/2011 which is arising out of the same

notification, the respondent-claimant was permitted to withdraw entire decretal amount.

In view thereof, the application is allowed. The respondent-claimant is permitted to withdraw entire decretal amount upon executing an usual undertaking that in case the appeal is allowed, the respondent/claimant shall redeposit the amount along with interest as will be directed by the Court at the relevant time.

The application stands disposed of.

Appellant to file paper book within a period of eight weeks from today.

JUDGE

Andurkar..