

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

CIVIL APPLICATION (CAF) NO.1771 OF 2017
IN
FIRST APPEAL ST. NO.8367 OF 2016

Executive Engineer, Arunavati Project, Digras, Dist. Yavatmal

-vs-

Sajedabi Abdul Khalik Wasim Ahmad Abdul Khalik and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. Parihar, Advocate for appellant/applicant.
Shri G. R. Kothari, Advocate for respondent Nos.1 to 8.
Ms M. Deshmukh, AGP for respondent Nos.9 and 10.

CORAM : A.S.CHANDURKAR, J.
DATE : May 02, 2017

Though the prayer for condonation of delay is opposed by learned counsel for the claimants, considering reasons mentioned in the application, the delay in filing first appeal stands condoned.

Civil application is allowed and disposed of.

F.A.St. No.8367 of 2016

Heard. **Admit.** Call for record and proceedings.

Shri G. R. Kothari, learned counsel waives notice on behalf of respondent Nos.1 to 8 and Learned Assistant Government Pleader waives notice on behalf of respondent Nos.9 and 10.

Appellant to file paper-book within six months from today.

Civil Application No.2116 of 2017

Prayer is to permit the claimants to withdraw the amount of compensation deposited by the appellant. Attention is invited to the observations in paragraphs 11 and 16 of the impugned judgment and

it is submitted that the entire amount be permitted to be withdrawn.

Learned counsel for the appellant seeks time to verify as to whether appeal has been preferred against the judgment in LAC Nos.442/1992 and 161/2004.

For the present, considering the nature of evidence on record, the claimants are permitted to withdraw an amount of Rs. 25,00,000/- on filing undertaking that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct.

Stand over **06/06/2017** for further consideration.

JUDGE