

(1)

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

**CIVIL APPLICATION NO.2068 OF 2017
IN
FIRST APPEAL NO.981 OF 2016**

Executive Engineer, Nagpur
Medium Project Nagpur Division,
V.I.D.C. Nagpur. ..APPELLANT

VERSUS

Jeetendra Wamanrao Wagh & ors ..RESPONDENTS

Mr Anoop Parihar, Advocate for appellant;
Mr C.R. Najbile, Advocate for respondent No.1;
Mrs M.H. Deshmukh, A.G.P. for respondent Nos. 2 & 3

CORAM : N.W. SAMBRE, J.

DATE : 3rd MAY, 2017

ORAL ORDER :

The claimant seeks permission to withdraw the amount of compensation. The prayer is opposed by the learned Counsel for the appellant.

2. Perused the impugned judgment. Considering the nature of evidence on record. The applicant-claimant is permitted to withdraw 50% amount subject to filing an undertaking that in case the appeal is allowed, the claimant shall redeposit the amount with interest at such rate the Court may

(2)

direct. Remaining 50% amount is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial).

3. The application is allowed and disposed of.

(N.W. SAMBRE, J.)

Tupe