

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

CIVIL APPLICATION (F) NO.852 OF 2016
IN
FIRST APPEAL STAMP NO.23579 OF 2015

(The Executive Engineer, Minor Irrigation Division, Washim Vs. Vishnu Saklal Rathod
and another)

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

Court's or Judge's orders.

Shri S.S. Godbole, Advocate for Applicant/Appellant.
Ms. Shamsi Haider, AGP for Respondent No.2.

CORAM: SMT. DR. SHALINI PHANSALKAR-JOSHI, J.
DATE: 8th JUNE, 2017.

Civil Application (F) No.2113/2017:

This is an application preferred by the claimant seeking withdrawal of the amount of compensation as deposited by the appellant in this Court.

Learned counsel for the appellant submits that as the amount of compensation is enhanced by the Reference Court, at least 50% amount of compensation may be directed to withdraw the same.

However, considering the total amount of compensation, which is only to the tune of Rs.3,36,000/- as deposited in the Court by the appellant towards 75% of the decretal amount as directed by this Court, there is no reason to deny the respondent to withdraw the said amount.

The application is allowed. Respondent No.1 is permitted to withdraw the entire amount deposited by the appellant in this Court subject to usual undertaking, that in case the decision goes against the respondent the entire amount will be repaid with interest thereon.

JUDGE

NSN