

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

FIRST APPEAL NO.537 OF 2016

(V.I.D.C. thr. the Executive Engineer, Yavatmal Medium Project Division, Yavatmal Vs.
Smt. Bayabai Lacchamana Gundawar since dead thr. Her LR's Vitthal Lacchamana
Gundawar and others)

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

Court's or Judge's orders.

Shri Vinay Dahat, Advocate for Appellant.
Shri M.P. Kariya, Advocate for Respondent Nos.1 to 3.
Shri M.A. Kadu, AGP for Respondent Nos.4 & 5.

CORAM: SMT. DR. SHALINI PHANSALKAR-JOSHI, J.

DATE: 6th JUNE, 2017.

Civil Application (F) No.2168/2017:

This application is filed by the respondent Nos.1 to 3 for withdrawal of the entire amount of compensation deposited by the appellant in this Court.

The record shows that the appeal has already been dismissed in default against respondent Nos.1 to 3. In view of this fact, the learned counsel for the respondent Nos.1 to 3 has filed this application for withdrawal of the amount and he has no objection for restoration of the appeal against the respondent Nos.1 to 3. Hence, the order dated 26.07.2016 dismissing the appeal in default against the respondent Nos.1 to 3 is recalled and set aside, the appeal is restored against the same.

So far as withdrawal of the amount is concerned, considering the requirement of the respondents, the respondent Nos.1 to 3 are permitted to withdraw the entire amount of compensation with interest subject to condition that so far as 50% amount is concerned, they will file usual undertaking and on usual term, whereas for remaining 50% they will furnish solvent surety to the satisfaction of the Registrar (Judicial) of this Court and that in case the decision goes against them, they will return the entire amount, with interest.

Application is accordingly disposed of.

JUDGE