

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application[CAF] No. 406 of 2017
IN
First Appeal St. No.15951 of 2016
[Executive Engineer, Lower Wardha Project Division, Wardha Vs.
Deorao Bhimrao Gandhe & others]

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

Court's or Judge's orders

Mr. Abhijit Parihar, Adv., for the applicant-appellant.
 Mr. S.D. Chopde, Adv., for respondent nos. 1 to 8.
 Mrs. Kulkarni, AGP for respondent nos. 8 to 11.

CORAM : A. S. CHANDURKAR, J.

DATE : 31st January, 2017

Heard.

Though the prayer for condoning the delay is opposed by the learned counsel for the claimants, considering the reasons mentioned in the application, the delay stands condoned. Civil Application is allowed and disposed of.

First Appeal St. No. 15951 of 2016 :

Heard.

Admit. Call for record and proceedings.

Shri Chopde, learned counsel, waives notice for respondent nos. 1 to 8 and Mrs. Kulkarni, learned Asstt. Govt. Pleader, for respondent nos. 9 to 11.

Paper-book be filed within a period of six months from today.

Civil Application No. 407 of 2017 :

As the applicant has deposited the entire amount of compensation in this Court, the execution of the impugned award shall remain stayed during pendency of the appeal.

Civil Application is disposed of.

Civil Application No. 2136 of 2016 :

Prayer is to permit the claimants to withdraw the amount of compensation deposited by the appellant.

Perused the impugned judgment. The Reference Court in para 24 of its judgment has referred to valuation report submitted by the Taluka Agriculture Officer, in which he noted 396 orange trees along with other fruit-bearing trees. Same number of trees is mentioned in the joint Measurement Report.

The application is opposed by the learned

counsel for the appellant.

Considering the order passed in Civil Application No. 4073 of 2016 dated 22nd December, 2016, a similar order can be passed in the present application.

The claimants are permitted to withdraw the amount deposited in this Court subject to the condition that seventy-five per cent of the amount being withdrawn shall be against their furnishing usual undertaking and remaining twenty-five per cent being withdrawn shall be against their furnishing a solvent surety, both to the satisfaction of the learned Registrar [Judicial] to be furnished within four weeks from the date of the order.

Civil Application is disposed of.

Judge