

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

CIVIL APPLICATION NO.3477 OF 2017

IN

FIRST APPEAL NO.1078 OF 2016

[The Executive Engineer, Nagpur Medium Project, Nagpur Division, VIDC, Nagpur .vs. Shri Nama Bhanhji Gajbhiye 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 P.B. Patil, Advocate for Appellant,
Shri C.R. Najbile, Advocate for Respondent No.1,
Mrs. H.N. Prabhu, AGP for Respondent Nos.2 and 3.

CORAM : KUM. INDIRA JAIN, J.

DATED : AUGUST 23, 2017.

Heard Shri Najbile, learned counsel for applicant-respondent no.1, Mrs. Prabhu, learned AGP for respondent nos.2 and 3 and Shri Patil, learned counsel for appellant.

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

Perused the impugned judgment. Considering the nature of evidence on record, applicant-claimant is permitted to withdraw 50% amount, subject to filing an undertaking that in case appeal is allowed, claimant shall redeposit the amount with interest at such rate the court may direct. Remaining 50% amount is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of Registrar (Judicial).

Civil Application is allowed and disposed of.

FIRST APPEAL NO.1078/2016

Heard Shri Patil, learned counsel for appellant, Shri Najbile, learned counsel for respondent no.1 and Mrs. Prabhu, learned AGP for respondent nos.2 and 3.

Admit.

Call R & P.

Notice to respondents.

Shri Najbile, learned counsel waives service of notice for respondent no.1.

Mrs. Prabhu, learned A.G.P. waives service of notice for respondent nos.2 and 3.

CIVIL APPLICATION [F] NO.3890/2016

Stay to execution of impugned judgment and award during pendency of appeal.

Civil Application stands disposed of.

JUDGE