IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAFs] Nos.3178/2016 & 97 of 2017
IN
First Appeal No.3 of 2016
[Executive Engineer, Lower Wardha Project Division Vs. Santosh Laxmanrao Khonde (dead) through L.Rs. & others]

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

Ms. Kirti Satpute, Adv., for respondent nos. 1 [a], 1[e] to 1[g].
Mr. S.D. Chopde, Adv., for Respondent Nos. 1 [b], 1 [c] and 1[d].
Mr. P.B. Patil, Adv., for the appellant.
Mrs. Kulkarni, AGP for respondent nos. 2 to 4.

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CORAM : A. S. CHANDURKAR, J.

DATE : 15th February, 2017

By these applications, the legal heirs of the original claimant seek permission to withdraw the amount of compensation deposited by the appellant in this Court.

As per order dated 22nd April, 2016, the claimants were permitted to withdraw seventy-five per cent of the amount deposited on furnishing an undertaking and twenty-five per cent of the amount of compensation on furnishing solvent security. There is a dispute between the legal heirs of the original claimant as regards the respective shares to which they are

entitled.

After hearing the learned counsel for the applicants and without prejudice to the rights of the parties, for the present, each legal heir of the original claimant is permitted to withdraw an amount of Rs. 1,50,000-00 [rupees one lakh fifty thousand only] on furnishing an undertaking in terms of order dated 22nd April, 2016. Further amount of Rs.50,000-00 [rupees fifty thousand only] each is permitted to be withdrawn by each legal heir on furnishing solvent security in terms of order dated 22nd April, 2016. The remaining amount shall be invested in fixed deposit and entitlement to the same shall depend upon the final adjudication in the appeal. It is clarified that the present arrangement is only as an interim measure and is without prejudice to the rights of the parties.

Applications are disposed of.

Judge

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