

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

CIVIL APPLICATION NO.3739 OF 2017
IN FIRST APPEAL NO.716 OF 2017

(The Executive Engineer, Bembla Project Division vs. Sureshchandra Gahruram Jaiswal and others)

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

Shri P.B. Patil, Advocate for appellant.
Shri A.B. Nakshane, Advocate for respondent no.1.
Shri M.A. Kadu, Assistant Government Pleader for
respondent nos.2 and 3.

CORAM : P.N. DESHMUKH, J.

DATED : OCTOBER 10, 2017

Heard learned Counsel for the parties.

By this application, it is prayed by respondent no.1 that total amount of compensation of Rs.58,84,546/- deposited by appellant in the Court be allowed to be withdrawn contending that in similarly situated appeals, this Court has granted enhanced compensation.

There are no grounds put forth in the application to satisfy that entire amount deposited by appellant is required by respondent no.1.

In the circumstances, at this stage respondent no.1 is allowed to withdraw 50% of the amount deposited by appellant with liberty to apply for withdrawal of further 25% of total amount on making out a case for withdrawal of the same.

Accordingly, respondent no.1 is permitted to

withdraw 50% of the total amount deposited by appellant on furnishing usual undertaking before Registrar (Judicial) of this Court. Remaining amount shall be deposited in a fixed deposit of any nationalised Bank initially for a period of 24 months. The application is thus partly allowed.

JUDGE

khj