

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

CIVIL APPLICATION [CAF] NO.3897 OF 2017
IN
FIRST APPEAL NO.1151 OF 2015

(V.I.D.C., through Executive Engineer, Bembla Project, Yavatmal
VS.
Mahadeo Samsa Singane, through its L.Rs. and others)

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

Court's or Judge's Orders

CORAM : P.N. DESHMUKH, J.
DATE : 27th NOVEMBER, 2017.

Heard Shri A.B. Nakshane, learned Counsel for applicant-respondent no.1, Shri P.B. Patil, learned Counsel for the appellant and Shri M.J. Khan, learned A.G.P. for respondent nos.2 & 3.

This application is filed for permission to withdraw entire decretal amount passed in L.A.C. No.433/2005 by the 2nd Joint Civil Judge Senior Division, Yavatmal on 19/03/2011 contending that the amount of award is correctly granted by the reference Court on considering the relevant sale instances and, thus, there is no substance in the appeal. It is also contended that in a connected appeal, this Court has allowed the respondent therein to withdraw 75% of the amount deposited in First Appeal No.662/2016.

Copy of the said order tendered at bar is placed on record.

Record reveals that by order dated 08/12/2015, this Court granted *ad interim* stay subject to appellant depositing entire decretal amount within twelve weeks from the date of order. From paragraph 3 of the application, it is found that an amount of Rs.3,80,282/- is deposited by the appellant.

In the circumstances, applicant-respondent no.1 is permitted to withdraw 75% of the amount deposited in this court on furnishing usual undertaking within four weeks from today. Balance amount shall be deposited in nationalized bank initially for 36 months and shall be renewed annually.

Civil application stands disposed of in above terms.

JUDGE

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