

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

CIVIL APPLICATION (CAF) NO.1277 OF 2016
IN
FIRST APPEAL ST. NO.21831 OF 2015

Executive Engineer, Medium Project Divisoin, Nagpur, Thr. VIDC Nagpur

-vs-

Premdas s/o Vishwanath Deshbhratar and ors.

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

Court's or Judge's Orders.

Shri A. Parihar, Advocate for appellant.

Shri C. R. Najbile, Advocate for respondent No.1/applicant.

Ms H. N. Prabhu, AGP for respondent Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.

DATE : March 17, 2017

The application was dismissed against respondent No.1 as copies for issuing notice were not supplied by the counsel for the appellant. Shri Najbile, learned counsel states that he has instructions to appear for respondent No.1 and in the execution proceedings he got knowledge about the present proceedings.

Hence on the oral request made by learned counsel for the applicant the proceedings are restored against respondent No.1. Amendment be carried out forthwith.

In the present application the prayer is made to condone the delay in filing the first appeal. Reasons for the delay are mentioned in paragraphs 3 and 4 of the application.

Though the prayer as made is opposed, the delay stands condoned. Civil application is allowed and disposed of.

F.A.St. No.21831 of 2015

Heard.

Admit.

Call for record and proceedings.

Shri Najbile, learned counsel waives notice on behalf of respondent No.1. Learned Assistant Government Pleader waives notice on behalf of respondent Nos.2 and 3.

Appellant to file paper-book within six months from today.

C.A. No.355 of 2017

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, the claimant is permitted to withdraw an amount of Rs. Six lakhs subject to filing an undertaking that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. Further amount of Rs.Six lakhs is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial). The remaining amount shall be invested in Fixed Deposit.

Civil application is allowed and disposed of.

JUDGE