

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAF] No.3827 of 2016
IN
First Appeal No. 57 of 2016
[The Executive Engineer, Lower Wardha Project Divn, VIDC, Wardha
Vs. Sunil Krushnarao Bhang & others]

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

Court's or Judge's orders

Mr. S.D. Chopde, Adv., for applicants – respondent nos. 1, 2 and 4.
 Mr. Agrawal, Adv., for the appellant.
 Mr. Vivek Awachat, Adv., for respondent no.3.
 Mr. Kadu, AGP for respondent Nos. 5 and 6.

CORAM : A. S. CHANDURKAR, J.

DATE : 03rd February, 2017

As the respondent no.2 is reported to be dead, learned counsel for the applicants seeks permission to withdraw this application with liberty to file a separate application.

Application is permitted to be withdrawn with aforesaid liberty.

Civil Appln. No. 218/2017 :

By order dated 22nd April, 2016, the claimants were permitted to withdraw amount of compensation deposited by the appellant. By the present application,

the respondent no.3 seeks to withdraw his share from the amount of compensation in terms of aforesaid order.

It is submitted by the learned counsel for the respondent no.1 that there is a Will executed by the respondent no.4 in favour of respondent no.1 and, therefore, the respondent no.3 would be entitled to withdraw only one-fourth amount of compensation.

This fact is disputed by the learned counsel for the respondent no.3.

Without prejudice to the rights of the parties, the respondent no.3 is permitted to withdraw one-fourth amount of the compensation deposited by the appellant.

Civil Application is disposed of.

Judge