

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

CIVIL APPLICATION NO.4253 OF 2017 IN FIRST APPEAL NO.651 OF 2017
(Executive Engineer, Lower Wardha Project Division vs. Narendra Panjabrao Shende and others)

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

Shir C.R. Najbile, Advocate for applicants/respondent nos.1 to 3.

Shri S.K. Bhoyar, Advocate for appellant.

Smt. M. Naik, Assistant Government Pleader for respondent nos.4 and 5.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 15, 2017

Heard learned Counsel for the parties.

This application is filed by respondent nos.1 to 3 for permission to withdraw entire amount of compensation deposited by appellant contending that applicants had brought material evidence establishing market value of land acquired by bringing on record sale instances of adjoining villages and on examining respondent nos.4 and 5 and appellant has not brought any evidence to dislodge the claim and thus, have good case on merits and, therefore, submitted that application be allowed.

In addition to case as aforesaid on merits, in view of contents of para 4 of the application referring to Government Resolution dated 23/2/2017 and in view of said Government Resolution, as learned Counsel for appellant has not seriously opposed the application, the

application is liable to be allowed.

Office note shows that amount of Rs.17,90,081/- is deposited by appellant with the Registry of this Court.

In the circumstances, application is allowed. Applicants/respondent nos.1 to 3 are allowed to withdraw amount of Rs.17,90,081/- deposited by appellant on furnishing usual undertaking before Registrar (Judicial) of this Court.

By consent of learned Counsel for the parties, first appeal is referred to National Lok Adalat scheduled to be held on 9/12/2017.

CIVIL APPLICATION NO.2860 OF 2016

Heard learned Counsel for the parties.

This application is filed by appellant for grant of stay to impugned judgment and award dated 19/10/2015 passed by learned Joint Civil Judge, Senior Division, Wardha in L.A.C. No.174/2008.

This Court by order dated 30/3/2017 granted interim stay to effect and operation of the impugned judgment on appellant depositing entire decretal amount. Record reveals that entire decretal amount to the extent of Rs.17,90,081/- is deposited by appellant with the Registry of this Court. In that view of the matter, interim stay is confirmed pending appeal. The civil application is disposed of as allowed.

JUDGE

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