

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

CIVIL APPLICATION NO.4472 OF 2017 IN FIRST APPEAL NO.664 OF 2017
(Vidarbha Irrigation Development Corporation vs. Gajanan Namdeo Dive 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 A.B. Nakshane, Advocate for applicant/respondent no.1.

Shri A. Parihar, Advocate for appellant.

Shri K.R. Luley, Assistant Government Pleader for respondent nos.2 and 3.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 21, 2017

Heard learned Counsel for parties.

This application is filed by respondent no.1 for withdrawal of entire decretal amount deposited by appellant as per award dated 13/10/2015 passed by Civil Judge, Senior Division, Darwha in L.A.C. No.1144/2004.

Shri Nakshane, learned Counsel for applicant, has submitted that in connected First Appeal No.972/2017 arising out of same award, respondent/claimant therein is permitted to withdraw 75% of the amount of award deposited on furnishing usual undertaking and remaining 25% on furnishing solvent surety.

Copy of order dated 21/9/2017 passed in Civil Application No.3785/2017 in First Appeal No.972/2017 is taken on record.

The Office note reveals that total amount of Rs.38,46,512/- has been deposited by appellant.

The applicant/respondent no.1 is allowed to withdraw 75% of the said amount on furnishing usual undertaking before Registrar (Judicial) and balance amount of 25% shall be allowed to be withdrawn on furnishing solvent surety to the satisfaction of Registrar (Judicial) within six weeks from today.

The civil application is disposed of in the above terms.

JUDGE

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