

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**914 FIRST APPEAL NO. 418 OF 2005
WITH CA/5263/2005 IN FA/418/2005**

**THE EXECUTIVE ENGINEER (CONSTRUCTION) , Z.P.NANDED
VERSUS
VITHAL GANPATI KADAM & OTHERS**

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Advocate for Appellant : Mr.Manoj Shinde h/f.

Mr.R.K.Ingole

Advocate for Respondent No.1 : Mr.K.M.Nagarkar

AGP for respondents/State : Mr.S.P.Deshmukh

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CORAM : M.S.SONAK, J.

DATE : 15th February, 2018

PER COURT:-

1) Mr.Manoj Shinde learned counsel who holds for Mr.R.K.Ingole learned counsel for the appellant, on written instructions from the appellant dated 14.2.2018, seeks leave to withdraw this First Appeal, since, the enhancement granted by the Reference Court is within the limits specified in the Government Resolution dated 3.11.2016 as amended from time to time. The written instructions are taken on record and marked as 'X' for

the purpose of identification.

2) In view of the aforesaid, leave is granted and this First Appeal is disposed of as withdrawn.

3) Civil Application, if pending, does not survive and the same is also disposed of.

4) The appellant is held entitled for refund of Court fees in accordance with the Rules and also decision of this Court in the case of ***Sanjeevkumkar Harakchand Kankariya Vs. Union of India & others [2015 (2) Mh.L.J., 157]***.

[M.S.SONAK, J.]