

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

CIVIL APPLICATION (F) NO.2335 OF 2017
IN
FIRST APPEAL (ST) NO. 26261 OF 2016

Executive Engineer .-Vs.-Deepak Baban Shetye and ors.

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

Court's or Judge's Orders.

Mr. Dahat h/f Mr.J.B.Kasat, counsel for the applicant.
Mr. R.G.Kavimandan, counsel for the respondent no.1
Ms. Naik, AGP for respondent nos.2 and 3.

CORAM : M. S. KARNIK, J.

DATE : 03.07.2018

Heard the learned counsel for the parties.

This is an application for condonation of delay of
76 days in filing the appeal.

This application is opposed by Mr.Kavimandan,
learned counsel for the respondent no.1.

For the reasons mentioned in the application, the
delay of 76 days in filing the appeal is condoned. The
Civil Application is allowed and disposed of accordingly
with no order as to costs.

FIRST APPEAL (ST) NO. 26261 OF 2016

The learned counsel for the appellant submits that since the connected First Appeal No.26289 of 2016 and First Appeal (ST) No.26202 of 2016 are already admitted, the present first appeal may also be admitted.

Hence **ADMIT**.

Call for Record and Proceedings.

Mr.Kavimandan learned counsel waives service of notice of hearing on behalf of respondent nos. 1. Ms.Naik, learned AGP waives service of notice of hearing on behalf of respondent nos.2 and 3.

Appellant to file private paper book within a period of 6 months from today

CIVIL APPLICATION (O) NO. 1113 OF 2018

This is an application for withdrawal of amount of Rs.13,52,125/- which has been deposited by the appellant in this Court.

The learned counsel for the claimant/respondent no.1 submits that he is in dire need of money as the claimant has lost his land. According to him he is entitled to receive the entire amount of compensation deposited by the appellant.

The learned counsel has invited my attention to para no.5, wherein it is averred that the claimant is facing hardship and he is in need of money. In the application it is stated that the claimant be permitted to withdraw the amount of compensation. Though in the application it is averred that he may be permitted to withdraw 50% of the amount deposited by furnishing personal undertaking and 50% by furnishing solvent surety of the like amount, in the interest of justice it will be appropriate to permit the claimant/respondent no.1 to withdraw 75% of the amount.

The claimant/respondent no.1 is permitted to withdraw 75% of the amount deposited on furnishing an undertaking in this Court, that in the event, the appeal is decided against him, he would refund the amount alongwith such interest as may be determined by this Court within a period of **four weeks** from the date of the order passed by this Court.

Undertaking to be filed within a period of four weeks. Office to take steps about the balance amount.

Liberty to the claimant/respondent no.1 to apply for withdrawal of the balance amount, if the occasion so arises.

The civil application is disposed of accordingly.
No costs.

JUDGE