

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

FIRST APPEAL NO.824/2017

Deputy Chief Engineer, Amravati Narkhed Railway, Akoli, Tah. and Distt.
Amravati

..Vs..

Jaikisan Jainarayanji Bhaiya (dead) through L.Rs. and others

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 9.4.2018.

Shri S.N. Tapadia, Advocate states that he is instructed to appear for respondent No.1(d) against whom the appeal is dismissed as she could not be served with notice of appeal.

As respondent No.1(d) is now represented, appeal dismissed against her is restored.

Appeal is **admitted**.

Shri S.N. Tapadia, Advocate waives notice for respondent Nos.1(a) to 1(g).

Shri M.A. Kadu, A.G.P. waives notice for respondent Nos.2 and 3.

Call record and proceedings.

The appellant shall file private paper book within six months.

The learned Advocates for the respective parties state that the matter be placed before the

National Lok-Adalat, Nagpur scheduled on 22nd April, 2018.

The parties to appear before the National Lok-Adalat, Nagpur on 22nd April, 2018 at 11 a.m.

CIVIL APPLICATION NO.2478/2015

The appellant has deposited the entire amount as per the impugned award.

Interim order granted on 8th October, 2015 to continue until further orders.

The learned Advocate for the claimants has pointed out the order passed in First Appeal No.1006/2014 which is pending before this Court and has arisen out of similar claim. This Court has permitted the claimants to withdraw 75% of the amount deposited by the appellant on submitting undertaking.

Shri Anoop Parihar, learned Advocate does not dispute this factual aspect.

In the facts of the case, the respondent Nos.1(a) to 1(g) / claimants are permitted to withdraw 75% of the amount deposited by the appellant jointly, on submission of undertaking by all the claimants to the satisfaction of Registrar (J.) of this Court stating that in case at the time of hearing of appeal it is found that the claimants are not entitled for the amount withdrawn by them, they will re-deposit the amount with the Registry of this Court within two months from the date of order of this Court. The amount be transmitted in the joint account of respondent Nos.1(a) to 1(g) / claimants after

the undertaking is given by all the claimants. The civil application is **allowed** in the above terms. No costs.

JUDGE

Tambaskar.