

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

C.A.F. NO.2646/2015

IN

FIRST APPEAL STAMP NO.12449/2015

The Executive Engineer, Minor Irrigation Division, Vidarbha Irrigation
 Development Corporation, Washim

..Vs..

Sheshrao Mulchand Runwal and others

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

Court's or Judge's orders

 Mrs. U.A. Patil, Advocate for the applicant.
 Shri Jafar Malnas, Advocate for respondent Nos.1(a) to 1(d).
 Shri M.A. Kadu, A.G.P. for respondent Nos.3 and 4.

CORAM : Z.A. HAQ, J.

DATE : 10.4.2018.

Accepting the explanation given in the
 application delay of 358 days in filing appeal is
 condoned. The civil application is **allowed** accordingly.
 No costs.

FIRST APPEAL STAMP NO.12449/2015

Taken up for hearing on admission.

Heard.

ADMIT.

Shri Jafar Malnas, Advocate waives notice for
 respondent Nos.1(a) to 1(d).

Shri M.A. Kadu, A.G.P. waives notice for
 respondent Nos.3 and 4.

Call record and proceedings.

The appellant shall file private paper book

within six months.

C.A.F. NO.1218/2018

The learned Advocate for the claimants has pointed out the order passed by this Court in First Appeal No.894/2016 on 17th February, 2017 which order according to the learned Advocates for both the parties is in respect of land acquired by the same notification.

The claimants are permitted to withdraw 50% of the amount deposited by the appellant on furnishing solvent surety / security to the satisfaction of Registrar (J.) of this Court. The balance 50% amount be given to the claimants on furnishing undertaking by all the claimants stating that if at the time of hearing of appeal it is found that the claimants are not entitled for the amount withdrawn by them, they will re-deposit the amount alongwith interest as directed by the Court within two months.

The amount be disbursed in the name of respondent No.2 / Shri Sheshrao Mulchand Runwal. The amount shall be disbursed only after the solvent surety / security is furnished and undertaking of all the claimants is filed. The civil application is **allowed** accordingly. No costs.

JUDGE