

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

CAF NO.2218/2018 IN FIRST APPEAL NO.981/2016 [DECIDED]

[Executive Engineer, Nagpur Medium Project, Nagpur Division, VIDC, Nagpur .vs. Jeetendra Wamanrao Wagh and others]

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

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Shri C.R. Najbile, Advocate for Applicant-Respondent no.1,
Shri Anoop Parihar, Advocate for Appellant,
Shri S.B. Bissa, AGP for Respondent nos.2 and 3.
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CORAM : MRS. SWAPNA JOSHI, J.

DATED : JULY 23, 2018.

This is an application filed by applicant-respondent no.1 for withdrawal of balance 50% compensation amount deposited by the appellant.

The learned counsel for the applicant submits that the decretal amount of Rs.47,11,746/- was deposited by the appellant in this Court. As per order dated 3.5.2017, the applicant was allowed to withdraw 50% amount on undertaking and 50% on security. The applicant had withdrawn 50% amount on undertaking and remaining 50% is kept in a fixed deposit, as the applicant could not furnish security. The applicant's Advocate submits that since the appellant failed to file private paper book as per order dated 3.5.2017 passed by this Court, the appeal stood dismissed and no steps have been taken to restore the said appeal till date. It is submitted that this court has already decided the connected matters on merits and dismissed the First Appeal Nos.1077/2016, 1078/2016, 04/2017, 580/2018 and 579/2018. Hence, the applicant be permitted to withdraw 50% compensation amount without any condition.

Heard the learned counsel for both the sides.

In view of the fact that already 50% amount has been withdrawn by the applicant-respondent no.1 and now no steps have been taken to restore the appeal till this date, the application needs to be allowed.

Hence, the order :

ORDER

The applicant-respondent no.1 is permitted to withdraw 50% balance amount of compensation with accrued interest which is deposited in the fixed deposit of the Bank.

With this order, the application stands disposed of.

JUDGE

Gulande