

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

CIVIL APPLICATION (CAF) NO.1826 OF 2017
AND

FIRST APPEAL ST. NO.16189 OF 2016

(EXECUTIVE ENGR., LOWER WARDHA PROJECT..VS..PRALHAD GORAKNATH KHEMUKA & OTH)

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

Court's or Judge's orders

Shri N.M.Gaidhane, Advocate for Applicant/Appellant.
Shri Rohit Joshi, Advocate for Non-applicant/Respondent.
Shri M.A.Kadu, A.G.P. for Respondent Nos. 2 and 3.

CORAM : Z.A.HAQ, J.

DATED : APRIL 13, 2018.

CIVIL APPLN.NO. 1826/2017.

Accepting the explanation given in the application, delay of 104 days in filing the appeal is condoned.

The application is allowed accordingly. No costs.

FIRST APPEAL ST.NO.16189/2016.

Taken up for hearing on admission.

Heard.

ADMIT

Shri Rohit Joshi, advocate waives notice for the respondent No.1 and Shri M.A.Kadu, A.G.P. waives notice for the respondent Nos. 2 and 3.

Call R & P.

The appellant shall file private paper book within six months.

CIVIL APPLN.NO. 516/2018

The advocate for the respondent No.1/claimant has pointed out the order passed in First Appeal No.1353 of 2017 on 24th February, 2018 and has submitted that in case of the land acquired for the same project and located in the same village, this Court has permitted withdrawal of 75% of the deposited amount.

Accepting the above submission, following order is passed:

- i) The respondent No.1 be given Rs.Thirty Five Lakhs on furnishing solvent surety/ security to the satisfaction of the Registrar (Judicial) of this Court.
- ii) Additional amount of Rs.Thirty Five Lakhs be given to the respondent No.1 on submitting undertaking to the effect that in case at the time of hearing of the appeal it is found that the appellant is not entitled for the amount withdrawn by him, he will redeposit the amount with the Registry of this Court with interest as may be determined by this Court, within two months from the date of the order.

- iii) The balance amount be kept in fixed deposit in a nationalized bank until further orders.

The civil application is **disposed** accordingly. No costs.

JUDGE

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