

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

CIVIL APPLICATION NO.3109/2018 IN
FIRST APPEAL NO.771/2014 (d)

The Executive Engineer, Lower Wardha Canal Division, Wardha .vs. Ashok
Sadashivrao Mhase and Ors.

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

Court's or Judge's orders.

Mr. T. M.Zaheer, Advocate for appellant.
Mr. S.R.Deshpande, Advocate for respondent nos. 1 to 3.
Mr. I. Damle, A.G.P. for non applicant no.2.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 17, 2018

Civil Application No. 3109/2018

This is an application for withdrawal of the amount deposited by the appellant-Executive Engineer, Lower Wardha Canal Division, V.I.D.C. The present application is moved by original respondent nos. 1 to 3 in First appeal No. 771/2014.

I have heard Mr. Deshpande, learned counsel for respondent Nos. 1 to 3, who has moved the present application, Mr. Zaheer, learned counsel for appellant and Mr. Damle, A.G.P. for respondent nos. 4 and 5.

On 31.08.2018, learned counsel for appellant has filed Pursis and withdrew First Appeal No.771/2014. Before withdrawing the appeal, in pursuant to the earlier order of the Court, the appellant has deposited entire decretal amount before this Court.

By the present application, original respondent Nos.1 to 3, wish to withdraw said amount.

Since the appeal is already withdrawn and the amount is deposited by the appellant, the application is allowed. Respondent nos. 1 to 3 are allowed to withdraw the remaining amount deposited by the appellant along with interest accrued thereon.

The application is disposed of.

JUDGE

kahale