

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

CIVIL APPLICATION (CAF) NO.3203/2018 IN FA NO.1095/2018
VIDC, thr. its Executive Engineer, Bembla Project, Awadhootwadi,
Yavatmal, District Yavatmal and anr

..VS..

Sudhakar Keshao Raut and ors

Sudhakar Keshao Raut : Applicant and one anr

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

Court's or Judge's Order

Shri A.B. Nakshane, Counsel for Applicants/Respondent
Nos.1 and 2.

Shri M.A. Kadu, Counsel for the Appellants.

Shri I.J. Damle, AGP for respondent Nos.3 & 4.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 30, 2018.

1. This is an application filed by respondent Nos.1 and 2 for withdrawal of amount. They are represented by learned counsel Shri A.B. Nakshane. The appellant is represented by learned counsel Shri M.A. Kadu. Whereas, the State is represented by learned Assistant Government Pleader Shri I.J. Damle.

2. The present appeal is already admitted. During the pendency of the appeal, in view of orders passed on earlier occasion, the appellant deposited entire decretal amount.

3. It is not in dispute that the other claimants,

whose lands situated at village mouza Pahur, Taluka Babhulgaon, District Yavatmal, were also acquired and in their appeals filed on behalf of the appellant applications for withdrawal of amount are granted by this Court.

4. In view of the above, applicants/respondent Nos.1 and 2 are also entitled for withdrawal of the amount. Hence, I pass following order:

ORDER

- (i) The civil application is partly allowed.
- (ii) Applicants/respondent Nos.1 and 2 are permitted to withdraw 75% of amount so deposited before this Court along with interest accrued thereon on they furnishing an undertaking that if the appeal filed by the appellant is allowed, they will refund the said amount with interest which would be determined by this Court at the time of final hearing of the appeal.
- (iii) The undertaking to be furnished within a period of 6 weeks from today.
- (iv) Rest of the amount be invested in any Nationalized Bank to save loss of interest.
- (v) The civil application stands disposed of accordingly.

JUDGE

!! BRW !!

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