

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

CIVIL APPLICATION (CAF) NO.123/2019

IN

FIRST APPEAL NO.1163/2018

Executive Engineer, Irrigation Division, Washim, Tq. Dist Washim

..Versus...

Sitaram Bhika Jadhav and another

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

Court's or Judge's orders

Ms Sanskruti Khule, Counsel h/f Shri N.M. Gaidhane, Counsel for appellant
Shri N.M. Kolhe, Counsel for respondent no.1/applicant
Shri S.D. Sirpurkar, AGP for respondent no.2

CORAM : ARUN D. UPADHYE, J.

DATE : 23/01/2019

Heard.

Perused the contents of the application.

The learned Counsel for the appellant/V.I.D.C. has objected for withdrawal of the entire amount by the respondent no.1. She further submitted that at the most 75% amount may be permitted to be withdrawn.

Learned Counsel for the applicant/respondent no.1, however, submitted that the amount is meagre one and therefore, the applicant/respondent no.1 may be permitted to withdraw the entire decretal amount, deposited by the appellant.

Having heard the learned Counsel for the parties and having gone through the impugned judgment and award, I am of the view that 75% amount deposited in this Court could be permitted to be withdrawn by the respondent no.1, upon furnishing usual undertaking. Hence, I proceed to pass the following order.

ORDER

- (i) The civil application is allowed.
- (ii) The applicant/respondent no.1 is permitted to withdraw 75 % of the amount deposited in this Court, upon furnishing usual undertaking to the effect that he will refund the amount, in case the first appeal is allowed.

No order as to costs.

JUDGE