

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

CIVIL APPLICATION (CAF) NO.631/2019

IN
FIRST APPEAL NO.1053/2014

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

...Versus...

Shri Manoj Prabhakar Rao Deshmukh and others

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

Court's or Judge's orders

Mrs. U.A. Patil, Counsel for applicant
Shri Amol Darekar, Counsel for respondent no.1/applicant
Shri S.D. Sirpurkar, AGP for respondent nos.2 and 3

CORAM : ARUN D. UPADHYE, J.

DATE : 20/02/2019

Heard.

Perused the application. The learned Counsel for the respondent no.1/applicant has submitted that in Civil Application No.1536/2016 in First Appeal No.725/2015 already this Court has allowed withdrawal of 50% amount deposited on filing undertaking that in case the appeal is allowed, the amount withdrawn shall be repaid with interest at such rate the Court may direct and the remaining 50% amount is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial).

He has further submitted that the present case is also arising out of the same notification and the land is of the same village and therefore, he may be permitted to withdraw the amount.

Considering the submissions of the respective sides, the respondent no.1/applicant is permitted to withdraw 50% amount deposited, upon filing undertaking that in case the appeal is allowed, the amount withdrawn shall be repaid with interest at such rate the Court may direct and the remaining 50% amount is allowed to be withdrawn upon furnishing solvent surety/security to the satisfaction of the Registrar (Judicial), within eight weeks.

The civil application is allowed and disposed of accordingly. No order as to costs.

JUDGE

Wadkar, P.S.