

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CIVIL APPLICATION (CAF) NO. 3287 OF 2018
IN
FIRST APPEAL STAMP NO. 6245 OF 2018

V.I.D.C., through its Executive Engineer, Canal Division Bembla Project, Yavatmal, Dist.
Yavatmal and another.

V/s

Chandrakant @ Chandrabhan s/o Ramnath Shivankar and others.

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

Court's or Judge's orders.

Shri M.A. Kadu, counsel for the applicants/appellants.
Ms V.S. Mohod, counsel for the respondent No.1.
Ms H.N. Jaipurkar, AGP for the respondent Nos. 2 and 3.

CORAM: ARUN D. UPADHYE, J.

DATE: 08-04-2019.

Heard learned counsel for the parties.

Perused the application. There is delay of 248 days
in filing first appeal. For the reasons stated in the application,
delay is condoned. Civil application is allowed.

FIRST APPEAL STAMP NO. 6245/2018

Heard.

Admit.

Call for record and proceedings.

Ms V.S. Mohod, learned counsel waives notice for
the respondent No.1.

Ms H.N. Jaipurkar, learned AGP waives notice for
respondent Nos.2 and 3.

Appellants to file private paper book within six
months.

CIVIL APPLICATION (CAF) NO. 3288/2018

Heard.

Learned counsel for the appellant has submitted that entire amount of compensation has already deposited in this Court.

In view of the statement made by the learned counsel for the appellant, interim stay already granted is made continue till disposal of the appeal.

Civil application is allowed.

CIVIL APPLICATION (CAO) NO. 767/2019

Heard.

Perused the application. It is submitted that the appellant has deposited Rs. 1,33,596/- before the Reference Court and remaining amount of Rs. 1,90,785/- in this Court.

I have perused the impugned judgment and award. After hearing both the sides, respondent No.1 at the most entitled for withdrawal of the amount deposited before the Reference Court along with accrued interest on filing usual undertaking to the effect that, he will refund the said amount in case appeal is allowed. The amount deposited in this Court will have to be kept in fixed deposit.

Hence, I pass following order :-

ORDER

- i] Civil application No. 767/2019 is partly allowed.
- ii] The respondent No.1 is permitted to withdraw the amount of Rs. 1,33,596/- with accrued interest deposited before the Reference Court on filing usual undertaking to the effect that he will refund the amount with interest, in case appeal is allowed.
- iii] The amount of Rs. 1,90,785/-deposited in this Court be kept in Fixed Deposit till disposal of the appeal.

JUDGE