

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

CIVIL APPLICATION (F) No. 2917 OF 2019
IN
FIRST APPEAL NO. 686 OF 2019

V.I.D.C. Thr. its Executive Engineer, Bembla Project Division, Yavatmal & anr.
vs.
Arun Haribhau Bobde and ors.

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

Court's or Judge's orders

Shri. M.A. Kadu, Advocate for appellants
Shri. A. B. Nakshane, Advocate for respondents.

CORAM : Manish Pitale J

DATED : 21.08.2019

This is an application filed on behalf of respondent No.1 (original claimant) seeking permission to withdraw the entire amount deposited by the appellants before the reference Court. During the course of arguments, it has come to light that the respondent No.1 has already withdrawn Rs.19,00,000/- which was deposited before the reference Court. At present, amount of about Rs.40,00,000/- is lying deposited before the reference Court. It is pointed out by learned counsel for the respondent No.1 that in appeal arising out same land acquisition proceeding, this Court has permitted 75% of the amount deposited by the appellant to be withdrawn on usual undertaking.

2. Considering the fact that the respondent No.1

has already withdrawn about Rs.19,00,000/- from the reference Court, it would be in the interest of justice that he is permitted to withdraw further amount of Rs.25,00,000/- from the reference Court on filing usual undertaking. Accordingly, the present application is partly allowed and the respondent No.1 is permitted to withdraw the amount of Rs.25,00,000/- from the reference Court by filing usual undertaking.

JUDGE

KOLHE