

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

CIVIL APPLICATION (CAF) NO. 4066 OF 2019
IN
FIRST APPEAL NO. 670 OF 2017 (D)

Executive Engineer, Lower Wardha Project Division, Wardha

..VS..

Vikas Vigyanchand Jain and ors.

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

Court's or Judge's orders

Ms. A.S. Athalye, Adv. h/f Shri S.K. Bhoyar, Adv. for appellant.
Shri Kaustubh J. Tapale, Adv. For respondent no.1.
Ms. T. Udeshi, Adv. for respondent nos. 2 and 3.

CORAM : VINAY JOSHI, J.
DATED : 14th NOVEMBER, 2019

Heard.

2. Respondent no. 1/original claimant seeks permission for withdrawal of compensation amount tuning Rs.65,30,371/-. This application is filed on 06.08.2018. However, its remained as it is. This Court vide order dated 05.05.2017 admitted the matter and further directed the appellant to file paper book within 6 months with a rider that on appellant, failure the appeal stands dismissed without reference to the Court. The time granted expired at the end of November, 2017. As consequences, the appeal is dismissed long back.
3. Learned Advocate for the appellant submitted that, appellant desires to file restoration application, but, despite dismissal of appeal prior to nearby two years, no steps are taken. In the circumstances, I find no reasons to

withhold the amount of compensation for which the respondents are entitled as per the award. However, as the appellant is intending to file restoration application, I find it appropriate to release the amount by obtaining certain security.

4. In view of that, the respondent no. 1 is permitted to withdraw 50 percent of the amount of compensation subject to furnishing usual undertaking and remaining 50 percent amount is permitted to be withdrawn subject to furnishing solvent surety to the satisfaction of the Registrar (Judicial) within a period of four weeks from today.
5. The Civil Application stands disposed accordingly.

JUDGE

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