

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

CIVIL APPLICATION (CAF) NO.2299 OF 2017
IN
FIRST APPEAL ST. NO.24941 OF 2015

The Executive Engineer, Minor Irrigation Dvn. No.2. Chikhli, Dist. Buldhana
-vs-
Yashodabai Bapurao Kale (since dead) Thr. Her Lrs. Bhagwan Bapurao Kale and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri J. B. Kasat, Advocate for appellant/applicant.
Shri K. S. Narwade, Advocate for respondent Nos.1 & 2.
Ms M. S. Naik, AGP for respondent Nos.3 and 4.

CORAM : A.S.CHANDURKAR, J.
DATE : January 04, 2019

Considering reasons mentioned in the Civil Application, the delay in filing the First Appeal stands condoned. Civil Application is allowed and disposed of.

First Appeal St. 24941 of 2015

Heard.

Admit.

Call for record and proceedings. Shri K. S. Narwade, learned counsel waives notice on behalf of legal heirs of respondent Nos.1 and 2. Ms M. S. Naik, learned Assistant Government Pleader waives notice on behalf of respondent Nos.3 and 4.

Civil Application No.3933 of 2018

Heard the learned counsel and perused the

impugned judgment.

Prima facie considering the nature of evidence on record the claimants are permitted to withdraw 50% of the amount of compensation as deposited on filing undertaking within period of eight weeks stating therein that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. The remaining amount shall be invested in Fixed Deposit.

Civil Application is disposed of.

JUDGE