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

CIVIL APPLICATION NO. 2157 OF 2019
IN
FIRST APPEAL NO. 24964 OF 2018
V.I.D.C., thr. Its Executive Engineer
..vs..
Chandrakiran w/o Kishor Agrawal and ors.

| Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders | Court's or Judge's orders |
|---|---|

Shri A. Bhole, Advocate h/f Mrs. A. Athalye, Advocate for appellant.
Shri R.J. Shinde, Advocate for respondent nos. 1 and 2.
Shri K.L. Dharmadhikari, A.G.P. for respondent nos. 3 and 4.

CORAM : VINAY JOSHI, J.
DATED : 20th DECEMBER, 2019

Heard.

By this application, appellant is seeking condonation of delay in filing appeal. For the reasons stated in the application, delay stands condoned.

Civil Application is disposed accordingly.

FIRST APPEAL ST. NO. 24964 OF 2018

Heard.

ADMIT.

Shri R.J. Shinde, Advocate waives notice for respondent nos. 1 and 2. Shri K.L. Dharmadhikari, Assistant Government Pleader waives notice for respondent nos. 3 and 4. Call R & P.

Appellant to file private paper book within six months from today.

CIVIL APPLICATION (CAO) NO. 2372 OF 2019

Heard.

By this application, the applicant is seeking permission for withdrawal of entire compensation amount, for the reasons stated in the application.

It is submitted that in connected matter arising out of the very notification and village, this Court has permitted 100% withdrawal in Civil Application No. 1741 of 2019 in Civil Application No. 1138 of 2019 in First Appeal St. No. 24864 of 2018 passed on 20.11.2019. Said order indicates that in some other connected matters, this Court has permitted 100% withdrawal. There is no reason to isolate the applicant who is also claiming withdrawal of near-about the same quantum of compensation. It is informed that the amount of Rs.19,13,393/- has been deposited with the Reference Court and Rs.30,68,032/- in this Court.

In view of that for the reasons stated in connected appeals, respondent no. 1 is permitted to withdraw 50% of the amount of compensation on furnishing usual undertaking and 50% amount on furnishing solvent surety to the satisfaction of the Reference Court as well as Registrar(Judicial) of this Court.

CIVIL APPLICATION (CAF) NO. 2158 OF 2019

Heard.

The appellant has deposited entire compensation amount in the Court. In view of that, execution of impugned judgment and award passed in L.A.C. No. 5/2009 is stayed till disposal of appeal.

Civil application is disposed accordingly.

JUDGE

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