

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.F. NO. 4923/2017 IN FIRST APPEAL NO. 1447/2017
 (THE EX.ENGR. BEMBLA CANAL DIVISION (VIDC) YAVATMAL VERSUS DINESH NARAYAN
 BUREWAR & 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 appellant.
 Shri V.D. Darne, counsel for R-1.
 Ms Harshada Prabhu, A.G.P. For R-2 & 3.

CORAM : A.S. CHANDURKAR, J.

DATE : JANUARY 08, 2019.

The claimant seeks permission to withdraw the amount of compensation as deposited. It is submitted that in view of the sale instance dated 03.09.2004 at Exhibit 40, the Reference Court has been pleased to enhance the compensation. Observations in that regard are in paragraph 6 of the impugned judgment. It is submitted that in another appeal from the same village being F.A. St. No.24833 of 2016, this Court has permitted withdrawal of 50% of the amount of compensation by furnishing an undertaking and the remaining amount by furnishing solvent surety.

Considering the nature of evidence on record, the claimant is permitted to withdraw 50% of the amount of compensation by filing an undertaking within a period of eight weeks stating therein that the amount withdrawn shall be re-deposited with interest at such rate the Court may direct if the appeal is allowed. The balance 50% amount is permitted to be withdrawn subject to furnishing solvent surety to the satisfaction of the Registrar (Judicial).

Civil application is allowed in aforesaid terms and disposed of.

JUDGE

APTE