

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

Civil Application (CAF) No.4281/2019
IN
First Appeal No.232/2020

VI.D.C. through the Executive Engineer, Bembla Project Canal Vs. Shri Vitthal Bapurao Kambale
& Ors.

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

Court's or Judge's Orders

Shri A.M. Kukday, Advocate for the Appellant.
Shri P.M. Pande, Advocate for Respondent Nos.1 and 2.
Smt. S.S. Jachak, AGP for Respondent Nos.3 and 4.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 4th MARCH, 2021.

Learned Counsel for the appellant states that the entire amount of compensation has been deposited.

In the light of the said statement, execution and implementation of the impugned judgment and award is stayed till the disposal of the appeal.

The civil application stands disposed of.

Civil Application (CAF) No.559/2021

The respondent Nos.1 and 2/original claimants have sought withdrawal of the amount deposited by the Appellant – Acquiring Body.

Having considered the reasons stated in the impugned judgment and the grounds raised in the appeal memo, the respondent Nos.1 and 2/original claimants are permitted to withdraw 50% of the compensation on an undertaking that the amount shall be refunded,

in the event the appellant succeeds in the appeal.

The civil application stands disposed of.

First Appeal No.232/2020

Heard. Arguable points are raised. Hence, admit.

Shri P.M. Pande, learned Counsel waives service of notice on behalf of respondent Nos.1 and 2 and Smt. S.S. Jachak, learned AGP waives service of notice on behalf of respondent Nos.3 and 4.

Private paper-book to be filed within six months.

(SMT. ANUJA PRABHUDESSAI, J.)