

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

CIVIL APPLICATION (CAF) NO. 1876 OF 2021

IN

FIRST APPEAL NO. 415 OF 2020

(DEPUTY CHIEF EXECUTIVE ENGINEER (CONST), AJNI, NAGPUR...VS..SMT. JAVERIBAI
MAGANLAL SHAH (DEAD, THR. LRS) & OTH.)

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

Court's or Judge's orders

None for Appellant (Railways)
Shri F.T.Mirza, Advocate for Applicants/Org.Resp. Nos. 1 to 3.
Ms N.P.Mehta, A.G.P. for Respondent Nos.4 and 5.

CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.

DATED : SEPTEMBER 21, 2021.

1. Heard Shri Mirza, learned counsel for the applicants/original respondent Nos.1 to 3 and learned A.G.P. for respondent Nos. 4 and 5. Nobody is present for the appellant.

2. For the present, we permit the applicants i.e. respondent Nos.1, 2 and 3 to withdraw 50% of the amount deposited in this Court by the appellant, subject to the condition that the respondent Nos.1, 2 and 3 shall submit an undertaking to the Registrar of this Court that in the event the appeal is allowed and the respondent Nos. 1, 2 and 3 are required to pay back the amount withdrawn, they shall refund the amount so withdrawn with interest @ 6% per annum.

3. The withdrawal is permitted in equal three shares vis a vis respondent Nos.1, 2 and 3.

4. The application stands **disposed of** accordingly. No costs.

(ANIL S.KILOR,J)

(SUNIL B. SHUKRE,J)

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