

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

First Appeal No.1000 of 2017

The Executive Engineer, Bembla Project, Yavatmal

vs.

Chandrabhan Raghunath Phulzele & others

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

Court's or Judge's Orders

Shri N.A. Waghmare, Adv. h/f Shri P.B. Patil, Adv. for the Appellant.
Shri R.D. Hazare, Advocate for Respondent No.1
Shri K.L. Dharmadhikari, A.G.P. for Respondent Nos.2 & 3.

CORAM : S.M. MODAK, J.
DATE : 8th JANUARY, 2021.

Heard both the sides.

02] The appellant-VIDC has compromised with the claimant before the executing Court. Such reference finds place in letter dated 18/02/2020 filed as per the pursis bearing Stamp No.4319/2020. Now, the appellant wants to withdraw the appeal.

03] A chart is annexed to that pursis. It shows the calculations. Out of deposited amount of Rs.3,87,341/-, the appellant is asking for refund of Rs.15,694/-. Respondent No.1 is agreeing for the said calculations and according to him, an amount of Rs.3,71,655/- is to be paid to him. In view of this consensus, it can be accepted. Hence, the directions:

- i. The appeal is disposed of as withdrawn.
- ii. The Nazar is directed to transfer an amount of Rs.3,71,655/- along with the accrued interest on it to the bank account of respondent No.1 (details are given as per

the pursis No.5/2020) on personal identification.

- iii. The Nazar is further directed to transfer an amount of Rs.15,694/- along with the accrued interest on that amount in the bank account of V.I.D.C.
- iv. Parties to bear their own costs.
- v. Necessary court fee be refunded to the appellant.
- vi. The appeal is disposed of.

**sandesh*

JUDGE