

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

**CIVIL APPLICATION (CAF) NO. 146 OF 2021**  
**IN**  
**FIRST APPEAL NO. 649 OF 2019**

Vidarbha Irrigation Development Corporation, thr. Executive Engineer .  
.VS..

Dnyaneshwar Wamanrao Palekar and ors.

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

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Shri M.A. Kadu, Advocate for appellant.  
Shri A.B. Nakshane, Advocate for respondent no. 1.  
Ms. S.Z. Haider, A.G.P. for respondent nos. 2 and 3.  
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**CORAM : SMT. ANUJA PRABHUDESSAI, J.**  
**DATED : 28/01/2021**

The applicant/respondents herein has sought leave to withdraw the amount of compensation deposited by the appellant.

2. Having considered the reasons for enhancement as stated in the impugned judgment and award and the ground of challenge, I am of the view of that the applicant-respondents are entitled for withdrawal 50% amount on furnishing usual undertaking and 25% amount on furnishing solvent surety/security.

3. Hence, the applicants are permitted to withdraw 50% of amount of compensation deposited by the appellant on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) to the effect that they will refund the said amount with interest, in case

the appeal is allowed. 25% of the amount be on furnishing solvent surety/security to the satisfaction of the Registrar(Judicial). The said amount be disbursed to the applicants in four equal proportion. The Civil Application stands disposed of accordingly.

**JUDGE**

*Trupti*