

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

Civil Application (CAF) No.1062/2021
IN
First Appeal No.1105/2014

VI.D.C. through Executive Engineer, Minor Irrigation, Washim **Vs.** Baburao s/o Tulshiram
Waybhase & Anr.

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

Shri Nihil Waghmare, Advocate h/f Shri P.B. Patil, Advocate for the Appellant.
Shri V.K. Paliwal, Advocate for Respondent No.1.
Ms. H.N. Jaipurkar, AGP for Respondent No.2.

CORAM : S.M. MODAK, J.
DATE : 29th JUNE, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

As per the Pursis Stamp No.05/2021, the appellant has expressed desire to withdraw the appeal. The reason is enhancement falls within four times limit as per the G.R. Copy of the letter dated 21st June, 2021 sent by Executive Engineer is annexed. The respondents are not objecting for the same. They have also not filed cross-objection.

In view of that, the appeal stands dismissed as withdrawn. Parties to bear their own costs.

The court fee be refunded to the appellant as per rules.

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The appellant has deposited Rs.7,29,140/-. Out of which, 50% is withdrawn. The undertaking has been furnished. Remaining 50% could not be withdrawn because solvency certificate could not

be furnished.

In view of the withdrawal of the appeal, remaining 50% needs to be disbursed to respondent No.1. Hence, the order:-

- a) Nazir is directed to transfer 50% amount of Rs.7,29,140/- along with accrued interest in the bank account of respondent No.1-Baburao Waybhase on furnishing necessary details.
- b) This withdrawal is permitted only if earlier solvency certificate is not furnished and 50% of the amount is not withdrawn as per the order dated 17th December, 2015.
- c) The civil application is disposed of.

JUDGE

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