

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

CIVIL APPLICATION (CAF) NO.3952 OF 2019 IN
FIRST APPEAL NO.342 OF 2020

V.I.D.C. through Executive Engineer, Purna Medium Project, Achalpur
Division, Achalpur Dist. Amravati and another

Vs.

Sahebrao Mahipatrao Band and others

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

Court's or Judge's orders.

Smt. Anjali Joshi, Advocate for appellants.
Shri R.J. Shinde, Advocate for respondent no.1A and 1B/applicants.
Smt. H.N. Jaipurkar, A.G.P. for respondent nos.2 and 3.

CORAM : PUSHPA V. GANEDIWALA, J.

DATE : 30th JULY, 2021.

Heard.

(2) This is an application for grant of stay under
Order 41 Rule 5 of the Code of Civil Procedure.

(3) Learned counsel for the appellants submits that
entire decretal amount has been deposited with the
Registry of this Court and with the Reference Court.

(4) Considering the above submission, the application is
allowed. There shall be stay to the execution and operation
of the judgment and order dated 19.08.2017 passed by the
learned Civil Judge Senior Division, Achalpur in L.A.C.
No.36 of 2008, till final disposal of the appeal.

(5) The application stands disposed of.

CIVIL APPLICATION NO. 463 OF 2020

(6) Heard.

(7) By this application respondent nos.1A and 1B are seeking permission to withdraw the amount deposited by the appellant with this Court as well as the Reference Court.

(8) Perused the application.

(9) Considering the amount involved, the applicants/ respondent nos.1A and 1B are permitted to withdraw amount of enhanced compensation i.e. Rs.1,19,315/- with accrued interest thereon deposited on 21.01.2020 with the Reference Court, Achalpur, subject to furnishing usual undertaking. Remaining amount i.e. Rs.2,14,076/- which is deposited before this Court is permitted to withdraw with accrued interest thereon on furnishing usual undertaking before the Registrar (Judicial).

(10) The application stands disposed of.

JUDGE

Wagh