

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

CIVIL APPLICATION [CAF] NO.1461 OF 2022

IN

FIRST APPEAL NO.24 OF 2017 [DECIDED]

[Executive Engineer .vs. Arvind Sheshrao Wankhede and others]

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

Court's or Judge's orders

Shri S.K. Bhoyar, Advocate for Appellant,
Ms. Sneha Dhote, Adv. h/f Shri R.R. Vyas, Adv. for Respondent no.1,
Shri S.A. Ashirgade, Addl.G.P. for respondent nos.2 and 3.

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CORAM : SMT. M.S. JAWALKAR, J.

DATE : 13/07/2022.

By this application, the applicant-respondent no.1 seeks permission to withdraw the amount deposited by the appellant.

2. It was pointed out that this Court was pleased to dismiss the First Appeal preferred by the appellant on 23.06.2022 and directed the appellant and respondent nos.2 and 3 to pay the remaining amount of the compensation. The appeal preferred by the appellant is dismissed. In view thereof, there is no impediment in allowing the application. As such, application is allowed. The applicant-respondent no.1 is permitted to withdraw the amount deposited by the appellant along with accrued interest thereon.

3. At present, there is no challenge to the order passed by this Court in First Appeal No.24/2017, decided on 23.06.2022. However, in future, if any proceedings are initiated challenging the order passed by this Court, it is necessary to secure the amount which was paid to the applicant-respondent no.1 by imposing condition. The applicant-respondent no.1 to give undertaking to that effect that if any such proceedings are initiated challenging the order passed by this Court in favour of applicant-respondent no.1, the amount so withdrawn will be refunded as per order in the proceedings which would be filed by the appellant.

[Smt. M.S. Jawalkar, J.]

Gulande