

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

CIVIL APPLICATION (CAF) NO.2015/2021

IN
FIRST APPEAL NO.370/2021

The Executive Engineer, Medium Irrigation Project, Yavatmal
Vs.

Nagorao s/o Mansing Pawar 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 Nikhil Waghmare, Advocate h/f P.B. Patil, Advocate for appellant
Shri S.V. Ingole, Advocate for respondent No.1
Shri S.A. Ashirgade, Addl.G.P. for respondent Nos.2 & 3.

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 06/07/2022

The present application is filed for grant of permission to withdraw entire deposited decretal amount. The appellant has deposited decretal amount of compensation of Rs.3,07,607/- as per direction dated 19/06/2021 of this Court. Having regard to the reason stated in the application, permission is granted to withdraw 50% amount of the compensation on filing undertaking to the effect that if appellant succeed in appeal, the amount will be refunded. In view thereof, application is allowed.

2. So far as remaining 50% of amount is concerned, the learned Counsel for the appellant drawn my attention to the statement made by applicants in paragraph No.5 of the application that applicants are not in a position to furnish any surety.

3. However, learned Counsel for claimants/respondents makes statement across the bar that they are ready to furnish solvent surety in respect of remaining amount of 50% of compensation. Accordingly, 50% of amount allowed to be withdrawn subject to furnishing solvent surety to the satisfaction of the Registrar (Judicial).

4. The application stands disposed of in above terms.

JUDGE

R.S. Sahare