

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

CIVIL APPLICATION (CAF) NO.1315/2023

IN
FIRST APPEAL NO.853/2022

Executive Engineer, Bembla Canal Division, Yavatmal

Vs.

Smt. Triveni Manikrao Chincholkar and others

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

Court's or Judge's orders

Ms Ira P. Khisti, Advocate for applicant
Shri S.V. Ingole, Advocate for respondent No.2
Shri M.A. Kadu, AGP for respondent Nos.5 and 6

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

DATED : 20/06/2023

The present application is filed for deleting the name of respondent No.1 from the array of respondents as her legal heirs are already on record. As such, permission is granted.

2. Necessary amendment to be carried out within three days.

3. Application stands disposed of accordingly.

CIVIL APPLICATION (CAF) NO.1319/2023

The present application is filed for withdrawal of decretal amount. It is prayed that to allow the instant application and permit the respondent no.2/claimant/Ankush Manikrao Chincholkar to withdraw entire decretal amount deposited by the appellant.

2. For the reason stated in the application, following order will meet the ends of justice. 50% of the amount with accrued interest is permitted to be withdrawn subject to claimant furnishing an undertaking that if any adverse order would be passed, the claimant shall re-deposit the same as per direction. The balance 50% of amount with proportionate accrued interest is permitted to withdraw upon furnishing solvent security to the satisfaction of the Reference Court with same condition of redeposit if appellant succeed in the matter. The application is allowed in above terms.

3. The application stands disposed of accordingly.

CIVIL APPLICATION (CAF) NO.614/2021

In view of the fact that total decreetal amount is deposited in the Reference Court, there will be no impediment in allowing the application for grant of stay.

2. The order passed by this Court on 10/01/2023 is hereby confirmed in respect of stay to the proceedings.

3. Application stands disposed of accordingly.

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Heard.

2. **Admit.**

3. Call for the Record and proceedings.
4. Four weeks' time is granted to file private paper book after receipt of record and proceedings.

JUDGE

R.S. Sahare