

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

CIVIL APPLICATION (CAF) NO.867/2023
IN
FIRST APPEAL ST. NO.14475/2016 (PENDING)

Executive Engineer, Minor Irrigation Division, Wardha
Vs.

Ganpatrao s/o Manumantrao Goulkar (dead) thr. LR's Chandrashekhar s/o
Ganp[atrao Gaulkar 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 applicant
Shri P.N.Sharma, Advocate for respondent No.1(a) to (d)
Shri M.A. Kadu, AGP for respondent Nos.2 and 3

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 10/07/2023

The present application is filed for grant of permission to withdraw the amount by respondent Nos.1(a) to 1(d) legal representatives of original claimant. This Court granted stay to the effect and operation of impugned judgment subject to deposit of entire decretal amount by the appellant. Accordingly, the amount was deposited vide Pursis Stamp No.01/2020 dated 12/10/2020. For the reasons stated in paragraph No.3, it will be appropriate to allow the applicant to withdraw 50% of amount so deposited by appellant. It is informed by learned Counsel for respondent Nos.1(a) to 1(d) that respondent No.1(c) is holding power of attorney on behalf of other respondents i.e. respondent Nos.1(a), 1(b) and 1(d).

2. The registry is directed to verify the power of attorney placed on record and disburse 50% of

amount of compensation along with accrued interest so deposited on usual undertaking by applicant within a period of two weeks.

3. The application stands disposed of accordingly.

CIVIL APPLICATION (CAF) NO.1609/2023

1. The present application is filed for grant of stay to the effect and operation of the impugned judgment. In view of the fact that total decretal amount is already deposited by the appellant. There shall be stay to the effect, execution and operation of the impugned judgment and order.

2. The application stands disposed of accordingly.

FIRST APPEAL NO.498/2023

1. Heard.

2. **Admit.**

3. Shri M.A. Kadu, learned AGP waives notice for respondent Nos.2 and 3.

JUDGE

R.S. Sahare