



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

CIVIL APPLICATION (CAF) NO. 2748 OF 2023 IN

FIRST APPEAL NO. 797 OF 2023

Executive Engineer, Upper Wardha Irrigation Division, Amravati

.Vs.

Sau. Kusum Shankarrao Kurve and ors.

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

Shri Amol B. Patil, Advocate for the appellant.

Shri S.S. Shingane, Advocate for respondent No.1.

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

CORAM : G.A. SANAP, J.

DATE : 21/09/2023

Heard.

2. This is an application filed by respondent No.1 for withdrawal of entire amount deposited by the appellant/acquiring body towards the compensation.

3. The reasons have been stated in the application. In view of the reasons stated in the application, the application is **allowed**.

5. Respondent No.1 is allowed to withdraw the entire amount with accrued interest subject to furnishing usual undertaking to the effect that she will return the said amount in case the appeal is decided against her along with the interest at the rate that will be determined by the Court.

6. Application stands disposed of, accordingly.

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1. **Admit.**
2. Shri S.S. Singane, learned Advocate waives service of notice on behalf of respondent No.1.
3. Shri M.A. Kadu, learned AGP waives service of notice on behalf of respondent Nos.2 and 3.
4. Call record and proceedings.
5. Paper book be filed within 12 weeks from the date of receipt of record and proceedings.
6. If paper book is not filed within 12 weeks from the date of receipt of record, then appeal shall stand dismissed without further reference to the Bench.

(G. A. SANAP, J.)