



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

Civil Application (CAF) No. 1168 of 2023
in

First Appeal No. 1932 of 2019

[The Executive Engineer, Lower Wardha Project ..vs.. Rajendra Sukhadev Shahade and ors.]

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

Court's or Judge's orders

Mr. R. S. Yeotkar, Advocate for the applicant/respondent no. 1
Mr. T. M. Zaheer, Advocate for the appellant
Mr. M. A. Kadu, AGP for respondent nos. 2 and 3

CORAM : ANIL L. PANSARE J.

DATED : 13-03-2024

By the present application, respondent no. 1 – claimant is seeking direction to the trial Court to permit the applicant to withdraw the compensation amount deposited in the trial Court.

The direction as sought cannot be granted. The appeal is pending before this Court. Learned counsel for the applicant submits that entire decretal amount has been deposited in the trial Court.

In the circumstances, the purpose will be served, if respondent no. 1 – claimant is permitted to withdraw 50% of the amount deposited in the trial Court upon furnishing undertaking that in the event appeal is allowed, he shall redeposit the amount along with interest as directed by this Court. Order accordingly.

The application is disposed of in above terms.

(Anil L. Pansare, J.)