



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

Civil Application (CAF) No. 3918 of 2023

in

First Appeal No. 298 of 2021

[V.I.D.C. through it's Executive Engineer, Amravati Irrigation Dept., Amravati ..vs.. Sy. Husain S/o Sy. Jafar 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. H. D. Marathe, Advocate for the appellant
Mr. M. L. Jadhao, Advocate h/f Mr. R. J. Shinde, Advocate for the
respondent no. 1
Mr. S. C. Joshi, AGP for respondent nos. 2 and 3

CORAM : ANIL L. PANSARE J.

DATED : 03-01-2024

By the present application, the respondent no. 1 is seeking permission to withdraw the balance amount of compensation deposited by the appellant before the reference Court as well as this Court.

Learned counsel for the applicant submits that vide order dated 13-12-2022 passed in Civil Application No. 741/2021, this Court has permitted the applicant to withdraw 50% of amount of compensation deposited by the appellant. The applicant is now seeking permission to withdraw the remaining amount.

Learned counsel for the appellant submits that if at all the application is to be allowed, the applicant/respondent no. 1 be put to appropriate terms.

In view of the above, the application is allowed. The applicant is permitted to withdraw the remaining amount of compensation along with interest accrued thereon, on filing undertaking that in case, the appeal is

allowed, the said amount shall be redeposited with interest at such rate which the Court may direct. In addition, the applicant shall furnish solvent surety to the extent of remaining amount which is allowed to be withdrawn to the satisfaction of the Registrar (Judicial).

The application is disposed of in above terms.

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Heard.

Admit.

Learned counsel Mr. M. L. Jadhao holding for learned counsel Mr. R. J. Shinde waives notice for respondent no. 1 and learned Assistant Government Pleader Mr. S. C. Joshi waives notice for respondent nos. 2 and 3.

The appellant shall file private paper book within eight weeks from today, failing which the appeal shall stand dismissed without further reference to the Court.

If paper book is filed, Registry to process the appeal for final hearing.

(Anil L. Pansare, J.)