



-3862-2023

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

CIVIL APPLICATION (F) NO. 3862 OF 2023
IN FIRST APPEAL ST. NO. 8685 OF 2023

(The Executive Engineer, Amravati Vs. Shri Naththu Pandurangji Ande & Ors.)

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

Court's or Judge's orders.

Ms Anjali Agrawal, Counsel for the appellant.
Shri D.P. Dapurkar, Counsel for the applicant/respondent
no.1.
Ms M.R. Kavimandan, A.G.P. for respondent nos. 2 and 3.

CORAM : ANIL L. PANSARE, J.
FEBRUARY 7, 2024.

Heard.

2] By the present application, respondent no.1
– original claimant seeks to withdraw the amount of
compensation deposited by the appellant.

3] I have gone through the judgment.
Considering the nature of evidence on record and the
submissions made by both the sides, it will be appropriate
to permit respondent no.1 to withdraw 50% of the
compensation amount deposited by the appellant on
usual undertaking. Respondent no.1 is permitted to
withdraw 50% of the compensation amount upon
furnishing undertaking that in case the appeal is allowed,
the said amount shall be redeposited with interest at such
rate the Court may direct.

4] The Civil Application is disposed of.

CIVIL APPLICATION NO. 2519/2023 IN FIRST APPEAL
ST. NO. 8685/2023 AND FIRST APPEAL ST. NO.
8685/2023

5] When enquired, the learned Counsel for the appellant submits that in terms of order dated 11/10/2023, the appellant has planted twenty-five trees at Warud. The learned Counsel submits that Pursis to that effect will be filed by tomorrow.

6] I am informed that similar such order has been passed in many such applications.

7] The appellant shall file affidavit of compliance stating therein with evidence as regards identification of plants towards compliance of the order under question. One of the methods will be to mention as to in how many applications, such order has been passed and in how many matters, the said order has been complied with, meaning thereby, to disclose number of plants *vis-a-vis* compliance of order. The affidavit shall be filed by tomorrow.

8] Stand over to 15/2/2024.

(ANIL L. PANSARE, J.)

Sumit