

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

CIVIL APPLICATION (CAF) NO.455 OF 2015

IN

FIRST APPEAL NO.472 OF 2014

V.I.D.C. Thr. Executive Engineer, L.W.P.D. Wardha.

-vs-

Sudhir Vishwasrao Shirpurkar & Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Anoop Parihar, Advocate for appellant.

Shri V.S. Kukday, Advocate for applicant/respondent

No.1.

Shri D. H. Dubey, AGP for respondent Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.

DATE : APRIL 06, 2015

Prayer is to permit respondent No.1 to withdraw the amount of compensation deposited by the appellant for acquisition of his land. It is stated that the entire land belonging to respondent No.1 has been acquired and there is no other source of income.

The application is opposed by the learned counsel for the appellant on the ground that enhancement as granted is on higher side without there being sufficient evidence on record.

Considering the nature of evidence led before the Reference Court, the respondent No.1 is permitted to withdraw 50% of the amount of compensation deposited by the appellant in this Court. For said purpose, the respondent No.1 shall furnish an undertaking in respect of half the amount permitted to be withdrawn stating therein that if the appeal is allowed, he shall return the aforesaid amount with interest at such rate the Court may direct. Remaining amount is permitted to be withdrawn without furnishing security. C.A. is disposed of in aforesaid terms.

JUDGE

Asmita