

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

CIVIL APPLICATION NO.681 OF 2015  
IN  
FIRST APPEAL NO.282 OF 2012

The State of Maharashtra, Thr. Collector, Nagpur & Anr.

-vs-

Pranav s/o Shrirish Halde

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

Shri M. G. Gawande, Advocate for applicant.

Shri H. D. Dubey, AGP for non-applicant.

**CORAM : A.S.CHANDURKAR, J.**

**DATE : MARCH 16, 2015**

Prayer is to permit withdrawal of amount of Rs.4,96,813/- deposited by the appellants in terms of order dated 13/04/2012. It is submitted that the respondent is entitled for a higher amount of compensation as Reference Court has calculated the amount as awarded from the date of the award itself though possession of the land in question was taken much earlier.

The learned Assistant Government Pleader appearing for the appellants opposes the application on the ground that the enhancement granted by the Reference Court is on a higher side without any evidence on record.

Considering the amount involved and the fact that adjudication of a higher amount is still pending for consideration before the Executing Court, the respondent is permitted to withdraw the sum of Rs.4,96,813/- subject to furnishing an undertaking with this Court duly signed by the

respondent that in case the appeal is allowed, the respondent would repay the said amount with interest at such rate that would be determined by the Court.

C.A. is disposed of in aforesaid terms. No order as to costs.

**JUDGE**