

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

CIVIL APPLICATION (CAF) NO.911 OF 2015
IN
FIRST APPEAL NO.465 OF 2014

V.I.D.C. Thr. Executive Engineer, Lower Wardha Project Dvn. Wardha.

-vs-

Randhir 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 respondent No.1.
Smt. M. N. Hiwase, AGP for respondent Nos.2 and 3.

CORAM : A.S.CHANDURKAR, J.
DATE : APRIL 24, 2015

Prayer is to permit the respondent No.1 to withdraw the amount of enhanced compensation. It is stated that by order dated 02/07/2014, amount of Rs.1,00,000/- was permitted to be withdrawn subject to furnishing an undertaking. Said amount was however not withdrawn by the respondent No.1. The subsequent application filed by the said respondent came to be rejected on 02/03/2015 as there was no change in circumstances. It is now stated that the respondent No.1 has entered into an agreement to purchase another agricultural land.

The application is opposed by learned counsel for the appellant on the ground that enhancement granted by the Reference Court is on a higher side.

Considering earlier order dated 02/07/2014 and the reasons mentioned in the present application, the respondent No.1 is permitted to withdraw an amount of Rs.2,00,000/- subject to furnishing an undertaking that in case the appeal is allowed, the amount withdrawn shall be repaid with interest.

Civil application is disposed of.

JUDGE