

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

CIVIL APPLICATION (CAF) NO.2127 OF 2015
IN
FIRST APPEAL (St) NO.3760 OF 2014

The Exe. Engineer, Lower Wardha Project Dvn. V.I.D.C. Wardha

-vs-

Gulabrao Pundlikarao Pawade, since deceased Thr. L.Rs. Ashok Gulabrao Pawade & Ors.

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

Court's or Judge's Orders.

Shri S.S.Godbole, Advocate for appellant.
Shri N. R. Saboo, Advocate for respondent Nos.2 to 4/applicants.
Shri M.M. Eakaray, AGP for respondent Nos.5 and 6.

CORAM : A.S.CHANDURKAR, J.
DATE : October 13, 2015

Prayer is to permit the claimants to withdraw the amount of enhanced compensation. On behalf of the applicants, attention is invited to findings recorded by Reference Court by pointing out the sale instance in respect of land admeasuring 1H 21R valued at Rs.2,70,000/-. It is also submitted that existence of trees and the well was noted in the notification issued under Section 4 of the Land Acquisition Act, 1894.

Reply is filed opposing the prayers as made. It is stated that compensation has been granted for 398 non existing trees and one non existing well.

Having perused judgment of the Reference Court, the following order is passed :

The claimants are permitted to withdraw an amount of Rs.50 lakhs on furnishing usual undertaking. Further amount of Rs.50 lakhs is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial). The remaining amount shall be invested in Fixed Deposit.

Civil application is disposed of in aforesaid terms.

JUDGE