

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

CIVIL APPLICATION F. NO.2855/2014

IN

FIRST APPEAL NO.928/2013

Vidarbha Irrigation Development Corporation (VIDC) through Executive Engineer, Lower Wardha Project Division, Wardha, Tq. and Distt. Wardha

...Versus...

Ganesh s/o Ramchandra Dhande and others

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

Court's or Judge's orders

Shri A.V. Palshikar, Advocate for appellant
Ms Varsha Wasu, Advocate for respondent no.1
Mrs. A.R. Taiwade, AGP for respondent nos.2 and 3

CORAM : Z.A. HAQ, J.

DATE : 17.02.2015

The learned Advocate for the appellant submits that the reference Court has granted enhanced amount of compensation relying on the orders passed in other cases, however, those orders passed by the reference Court are subject matter of challenge before this Court. He further submits that considering the facts of the case, the prayer as made on behalf of the respondent no.1 for withdrawal of the entire amount may not be granted.

Though the copy of the civil application is served on the learned Advocate for the appellant on 13.10.2014 neither any reply is filed nor the details of the first appeals, which are said to have been filed challenging the orders passed by the reference Court in other matters, are placed on the record.

Accepting the submission made on behalf of the respondent no.1 in paragraph no.3 of the civil application that the acquired land was the only source of income which is not rebutted by the appellant and the respondent nos.2 and 3, the following order is passed :

The respondent no.1 is permitted to withdraw 50% of the amount on furnishing the solvent surety to the satisfaction of the learned Registrar (Judicial) of this Court.

The respondent no.1 is permitted to withdraw further 25% of the amount on filing undertaking to the satisfaction of the Registrar (Judicial) of this Court to the effect that if at the time of hearing it is found that the respondent no.1 is not entitled for the amount permitted to be withdrawn, the respondent no.1 shall deposit the amount with interest as would be determined by this Court within stipulated time with the Registry of this Court.

The balance amount shall be kept in fixed deposit in the Nationalized Bank initially for the period of three years and to be renewed every year till the decision of the appeal.

The civil application is allowed in the above terms.

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The appellant shall file private paper-book till 30.07.2015.

JUDGE