

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

CIVIL APPLICATION F No. 1616 OF 2016

IN

FIRST APPEAL No.723 OF 2013

V.I.D.C. through Executive Engineer, Lower Wardha Canal Division, Wardha.

Vs.

Sau. Sunanda S. Shende and Ors.

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

Court's or Judge's orders

CORAM : PRASANNA B. VARALE, J.

DATED : 14th JUNE, 2016.

Heard Mr. C.S. Dhore, learned counsel for the applicant, Mr. Godbole, learned counsel for the appellant and Mr. Ekre, learned AGP for the State.

It is submitted by the learned counsel for the applicant that the appellant-Corporation has deposited an amount of Rs.32,66,038/- in this Court while challenging the judgment and order passed by the Reference Court in the present appeal. He further submits that the land of the applicant was acquired in the year 2005. The agricultural land being the only source of the livelihood, the applicant though was claiming a just compensation, a meager amount of compensation is awarded. He submits that being aggrieved by inadequate compensation, the applicant has also filed a cross-appeal in this Court. It is submitted that the applicant is in need of financial assistance as the sons of the applicant are now major and are prosecuting their studies. She requires finance for the education expenses of the children. So also the husband of the applicant is facing a serious ailment for which he requires continuous medical treatment. The learned counsel further submits that as there

is no other source of income available to applicant except the agriculture land which is already acquired, the applicant be permitted to withdraw the amount deposited by the appellant in this Court. Learned counsel Mr. Godbole opposed the application.

In view of the submissions of learned counsel for the applicant, in my opinion, ends of justice would be met by permitting the applicant to withdraw 50% of the amount deposited by the appellant in this Court subject to submitting solvency or security to the satisfaction of the Registry of this Court. Rest of the amount be invested in a nationalized bank initially for a period of one year and be renewed thereafter from time to time. Application is allowed and disposed of.

JUDGE

Hirekhan