

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

CIVIL APPLICATION NO.488 OF 2015
IN
FIRST APPEAL NO.115 OF 2015

The Executive Engineer, Chandrapur
Medium Project Division-1, Vidarbha
Irrigation Development Corporation,
Chandrapur

.. Appellant

Versus

Vijay Ramrao Tajne and anr.

..Respondents

Mr S.G. Jagtap, Advocate for appellant
Mr Girish Kadharia, Advocate h/f Mr Anjan De, Advocate for
respondent no.1
Mrs M.H. Deshmukh, A.G.P. for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 13th April 2017

PER COURT

1. Civil Application No.488 of 2015 is for withdrawal of the amount which is deposited by the appellant in this Court.
2. Vide order dated 30th April 2014, this Court had granted stay to the coercive recovery subject to the appellant depositing 50% of the amount awarded by the reference Court.
3. Heard Mr Kadharia, learned Counsel for respondent no.1-claimant and Mr Jagtap, learned Counsel for appellant.
4. Prima facie, I find that the compensation which is granted by the learned reference Court towards the forest trees is very much excessive.

5. Taking into consideration that aspect of the matter, I am inclined to partly allow the application. The respondent no.1-claimant is permitted to withdraw 50% of the amount deposited on the conditions that the respondent no.1-claimant furnish the solvent surety to the satisfaction of the Registrar (Judicial) and also on an undertaking to this Court that in the even if it is found that the respondent no.1-claimant is liable to refund the amount, he shall do so within the period prescribed by this Court.

6. The balance is permitted to be deposited in the fixed deposit receipts of Nationalized Bank initially for a period of five years and thereafter renewable on the annual basis.

7. Civil Application stands disposed of in aforesaid terms.

(N.W. SAMBRE, J.)

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