

(1)

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

**CIVIL APPLICATION NO. 473 OF 2017
IN
FIRST APPEAL (ST) NO. 5383 OF 2016**

Executive Engineer, Lower Wardha
Project Division, Vidharbha
Irrigation Development
Corporation

..APPELLANT

VERSUS

Manoj s/o Devidas Kale
aged about 36 years,
Occ: Cultivator, R/o Devidasrao
Kale Nagar, Talegaon Road,
Arvi, Tah. Arvi, Dist. Wardha
& ors

..RESPONDENTS

Mr Anoop Parihar, Advocate for appellant;
Mr S.D. Chpade, Advocate for respondent No.1;
Mrs M.S. Naik, A.G.P. for respondent Nos. 2 and 3

CORAM : N.W. SAMBRE, J.

DATE : 6th APRIL, 2017

ORAL ORDER :

Heard.

2. Of the amount of compensation deposited,
having regard to the findings of perennial source
of irrigation and seasonal source of irrigation and
Section 4(1) notification dated 5th November, 1998,

(2)

in my opinion, respondent No.1-claimant be permitted to withdraw 80% of the amount, upon furnishing usual undertaking that in case, the appeal is allowed, the amount shall be deposited along with interest, as will be ordered.

3. The balance amount be kept in fixed deposit in nationalized bank initially for period of three years and will be renewed thereafter.

4. Civil Application stands allowed in above terms.

(N.W. SAMBRE, J.)

Tupe