

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

CIVIL APPLICATION (CAF) NO. 353/2019 IN
FIRST APPEAL NO. 645 OF 2018

The State of Maharashtra, through the Collector, Yavatmal and others.

V/s

Mannalal s/o Kesarimal Jain.

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

Court's or Judge's orders.

Shri S.D.Sirpukar, AGP for the appellant/ State.
Shri M.N. Ali, counsel for the respondent.

CORAM: ARUN D. UPADHYE, J.

DATE: 30-01-2019.

Heard learned counsel for the parties.

Respondent has filed this application for withdrawal of the amount deposited by the appellants in this Court.

Learned counsel for the respondent has submitted that 75% amount may be permitted to be withdrawn. Learned AGP further objected the same and submitted that at the most 50% amount be permitted to withdraw.

Perused the impugned judgment. It appears that learned Land Acquisition Officer has granted compensation @ Rs. 38,000/- per hectare and the learned Reference Court has enhanced the same and granted @ Rs. 2,00,000/-

per hectare.

Considering the facts and circumstances of the case, I am of the view that the respondent/claimant could be permitted to withdraw 50% amount by furnishing usual undertaking to the effect that the he will refund the amount to the appellants in case the appeal is allowed.

Hence, I pass following order.

ORDER

[1] Civil application is partly allowed.

[2] The respondent is permitted to withdraw 50% amount deposited in this Court on furnishing usual undertaking within six weeks to the effect that he will refund the amount to the appellants in case the appeal is allowed.

JUDGE