

FARAD CONTINUATION SHEET No.  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH AT NAGPUR

**C.A.F. NO. 1673/2018 IN FIRST APPEAL NO. 1016/2015**  
 (THE EXE. ENGR. MINOR IRRIGATION DEPARTMENT, Z.P. NAGPUR & ANOTHER **VERSUS**  
 HARISHCHANDRA TUKARAM TABHANE)

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

Court's or Judge's orders

Mrs. M. Naik, A.G.P. for the appellants.  
 Shri C.R. Najbile, counsel for the respondent/applicant.

**CORAM : A.S. CHANDURKAR, J.**

**DATE : JANUARY 18, 2019.**

By this application, it is prayed that the balance amount of compensation lying in deposit be permitted to be withdrawn.

In support of the application, reference is made to the Joint Measurement Report indicating presence of 260 Orange trees in the acquired land. It is stated that the number of trees was not disputed by the acquiring body before the reference Court.

The prayer is opposed by the learned Assistant Government Pleader on the ground that 50% of the amount of compensation has already been withdrawn.

Considering the nature of evidence on record, the claimant is permitted to withdraw 25% of the total amount of compensation that was deposited by the appellants. In other words, half the amount now lying in deposit is permitted to be withdrawn subject to furnishing solvent surety/surety to the satisfaction of the Registrar (Judicial). The remaining amount shall be invested in Fixed Deposit. Civil application stands disposed of.

**JUDGE**