

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

CIVIL APPLICATIN (CAF) NO. 4012 OF 2019
IN
FIRST APPEAL NO. 1187 OF 2019

V.I.D.C. thr. Executive Engineer
..vs..
Ramesh s/o Devkaran Karwa and ors.

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

Court's or Judge's orders

Shri V.V. Dahat, Advocate for appellant.
Shri M.G. Sarda, Adv. for respondent nos. 1 and 2.
Shri K.L. Dharmadhikari, A.G.P. for respondent nos. 3 and 4.

CORAM : VINAY JOSHI, J.
DATED : 20th DECEMBER, 2019

Heard.

2. The respondent no. 1 is seeking withdrawal of compensation amount as has been deposited by the appellant. The withdrawal is sought on the ground of financial crisis and some other reasons.

3. The applicant would submit that, this Court in First Appeal No. 628 of 2019 arising out of same notification and same village has permitted 100% withdrawal vide order dated 27.09.2019. Learned Counsel for the applicant submits that on inquiry, the amount of compensation in said petition was near-about Rs.40,00,000/-. The order passed in First Appeal No. 628 of 2019 indicates that this Court permitted 50% withdrawal on undertaking and balance amount on

furnishing solvent surety.

4. In case at hand, the appellant has deposited total compensation of Rs.92,77,003/- certainly, the huge amount of compensation has to be taken into account and can be considered as distinguishing factor while applying the Rule of Parity. However, the agriculturist whose land was compulsorily acquired, cannot be deprived for longer period.

5. In view of that, the respondent nos. 1 and 2 are permitted to withdraw 25% on usual undertaking and 50% amount on furnishing solvent surety to that extent, to the satisfaction of Registrar(Judicial). Remaining amount be kept in Fix Deposit.

6. Civil Application is disposed accordingly.

JUDGE

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