

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

CIVIL APPLICATION NO. 3869 OF 2018
IN
FIRST APPEAL NO. 1741 OF 2019

Vidarbha Irrigation Development Corporation through its Executive Engineer, Bembla
Project Division, Yavatmal Tq.Dist. Yavatmal and another

Vs.

Shri Sanjay Ramchandra Mahure and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.A. Kadu, Advocate for applicants
Shri S.O. Ahmed, Advocate for respondent No.1/claimant.
Shri K.L. Dharmadhikari, AGP for respondent Nos.2&3

CORAM :- A.S.CHANDURKAR AND
N.B.SURYAWANSHI, JJ.
DATED :- DECEMBER 14, 2020.

This is an application for stay filed by the acquiring body.

Vide order dated 10/04/2019 the acquiring body was granted stay on a condition to deposit 50% of enhanced amount of compensation in this Court. The said 50% of amount is deposited by the acquiring body.

In that view, the application is allowed. There shall be stay to the impugned judgment and award dated 04/05/2017 passed by Joint Civil Judge, Senior Division, Yavatmal in L.A.C. No. 102 of 2009 during pendency of the present first appeal. Civil application is disposed of accordingly.

CIVIL APPLICATION NO. 1919 OF 2019

This civil application is filed by the claimant seeking withdrawal of the decretal amount deposited in this Court.

Heard learned advocate for the claimant and the learned Assistant Government Pleader. It is seen that the Trial Court has awarded an amount of Rs 506.28/- per square meters for 7.18 H.R. land along with statutory benefit. From the judgment it can be seen that the adjoining land was sold in the year 2003 at the rate of Rs. 645.86/- per square meter. We therefore deem it appropriate to allow the civil application and permit the claimant to withdraw 50% of the enhanced amount deposited in this Court along with accrued interest, on furnishing undertaking that in case the first appeal is allowed, they shall refund the amount withdrawn along with interest. Civil application disposed of.

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The appellant to prepare and file private paper book within a period of twelve weeks from today.

To be heard along with First Appeal St.2279/2018.

JUDGE

JUDGE