

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

CIVIL APPLICATION (F) NO. 1544 OF 2021
IN FIRST APPEAL NO. 381 OF 2021

(Vidarbha Irrigation Development Corporation & Anr. Vs. Shri Gajanan @ Nitin s/o Bapurao Nile & Ors.)

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

Court's or Judge's orders.

Shri M.A. Kadu, Advocate for the appellants.
Shri S.S. Shingane, Advocate for respondent No.1.
Shri A.M. Kadukar, A.G.P for respondent Nos.2 and 3.

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CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 13, 2021.

Heard.

2] This is an application filed by the applicant/ respondent No.1 seeking permission for withdrawal of amount deposited by the appellants.

3] Perused the application.

4] It is stated that the appellants have deposited Rs.73,34,088/- on 16/07/2021 vide Pursis St. No. 2/2021 dated 06/07/2021. It is stated that the land acquisition proceedings was initiated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5] Considering the reasons mentioned in the application, the applicant/ respondent No.1 is permitted to withdraw 50% of the decretal amount along with interest on furnishing usual undertaking before the Registrar (Judicial).

6] Civil Application stands disposed of.

FIRST APPEAL NO. 381/2021.

7] As the entire decretal amount along with accrued interest came to be deposited with the Registry of this Court, there shall be stay to the effect and operation of the impugned judgment and award dated 16/09/2020 passed by the Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Authority, Nagpur in L.A.C. No. 79/AMR/AMR/2018, pending decision of this appeal.

8] Admit.

9] Shri Shingane, learned counsel, waives service of notice for respondent No.1.

10] Shri Kadukar, learned A.G.P., waives service of notice for respondent Nos.2 and 3.

11] Call R & P

CIVIL APPLICATION ST. NO. 9272/2021 IN XOB ST. NO. 9271/2021.

12] By way of this application, the cross objector in First Appeal No.381/2021 is seeking exemption in depositing amount towards Court fee as Writ Petition No.4043/2019 is pending consideration before the Aurangabad Bench.

13] As the issue with regard to payment of Court fee is already subjudice before this Court, at this stage, the cross objector is exempted from payment of Court fee subject to decision in Writ Petition No.4043/2019.

14] Civil Application stands disposed of.

CROSS OBJECTION ST. NO. 9271/2021.

15] Admit.

16] Shri M.A. Kadu, learned counsel, waives service of notice for the appellants.

17] Shri Kadukar, learned A.G.P., waives service of notice for respondent Nos.2 and 3.

JUDGE

Sumit