

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.
CIVIL APPLICATION (F) NO. 2332/2021 IN F. A. NO. 1062/2016

Executive Engineer, Bembla Project Division, Yavatmal

Vs.

Chetan Narayan Mohakar 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 Abhijit Parihar, Advocate for non-applicant/appellant.
Shri S.U.Nemade, Advocate for applicants/respondent nos.1 to 3.
Shri A.M.Kadukar, Assistant Government Pleader for non-applicants/respondent nos.
4 and 5

CORAM :- A.S.CHANDURKAR AND G.A.SANAP, JJ.

DATED :- NOVEMBER 25, 2021.

The prayer made in this application is for permission to withdraw the amount of compensation as awarded by the Reference Court.

We have heard the learned counsel for the parties and we have perused the judgment of the Reference Court. It is seen that while staying the operation of the judgment of the Reference Court, the acquiring body was directed to deposit 60% of the amount as granted by the Reference Court.

Prima facie considering the nature of evidence on record, we are satisfied that the applicants have made out a case for withdrawal of the amount of compensation as deposited by the acquiring body. The applicants are permitted to withdraw the amount deposited by the acquiring body with accrued interest subject to filing of an undertaking in this Court that in case, the appeal filed by the acquiring body is allowed, the amount withdrawn by them shall be re-deposited along interest at such rate the Court may direct.

The civil application is disposed of.

(G.A.SANAP, J.)

(A.S.CHANDURKAR, J.)