

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

CIVIL APPLICATION (CAF) NO.921/2022
IN
FIRST APPEAL NO.85/2022

Executive Engineer Nimna Wardha Kalwe Prkalp, Wardha
Vs.
Kawdu Palasram Vaitage and others.

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

Court's or Judge's Order

Ms A.S. Athale, Advocate h/f Ms I.P. Khisht, Advocate for
appellant/applicant.

Ms S.S. Wandile, Advocate for respondent No.1

Shri M.A. Kadu, AGP for respondent nos.2 & 4.

CORAM : M.S. KARNIK, J.
DATED : 19/04/2022

This is an application on behalf of the respondent no.1/claimant for withdrawal of the compensation amount deposited by the appellant. It is not in dispute that the entire amount of compensation as awarded by the trial Court has been deposited with the Reference Court. The appeal has since been admitted. Having perused the judgment and order, though the request for withdrawal was opposed by the learned Counsel for the appellant, a case is made out for withdrawal of the amount of compensation in view of the submissions made by the learned Counsel for the claimant as

well as for the reasons stated in the application in paragraph No.4.

3. For the present, I am inclined to permit the claimant to withdraw 50% from the total amount of Rs.52,06,783/- deposited along with accrued interest which is deposited with the Reference Court.

4. Liberty to the claimant to file an appropriate application at an appropriate stage for further withdrawal.

5. Civil Application stands **disposed of**.

[JUDGE]

R.S.Sahare