

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

CIVIL APPLICATION (F) NO.2032 OF 2022

IN

FIRST APPEAL NO.401 OF 2021

{V.I.D.C. Executive Engineer, Wardha ..Vrs.. Rekhabai Sunil Wase and
Ors.}

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

Court's or Judge's order

Shri A. M. Kukday, Advocate for the Applicant/Appellant.
Shri R. S. Yeotkar, Advocate for the Respondent No.1.
Ms T. H. Udeshi, AGP for the Respondent Nos.2 and 3.

CORAM : ABHAY AHUJA, J.

DATE : 14th SEPTEMBER, 2022.

. This is an application for withdrawal of the amount of compensation deposited by the appellant/VIDC before this Court.

2. The appeal has been filed by the VIDC challenging the order dated 31.07.2019 passed by the 5th Joint Civil Judge Senior Division, Wardha, in L.A.C. No.109 of 2019, pursuant to which, the compensation awarded by the Land Acquisition Officer to the applicant was enhanced.

3. Shri Kukday, learned counsel for the appellant submits that the entire compensation amount of Rs.4,90,823/- (Four Lakhs Ninety Thousand Eight Hundred and Twenty Three Only) has been deposited in the Registry of this Court and as such, the 50% amount of compensation may be allowed to be withdrawn on the basis of usual undertaking.

4. Having heard the learned counsel for the parties and having perused the application, this Court is of the view that considering the applicant/claimant is an agriculturist and considering the meager amount of compensation, the following order is passed :

ORDER

i) Let the 50% amount of compensation be withdrawn on the basis of usual undertaking that, if the impugned order is set aside or modified, the said amount shall be returned to the appellant/VIDC.

ii) Registry to co-operate with the applicant/claimant.

5. Civil application stands disposed of in above terms.

(JUDGE)

TAMBE