

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

**CIVIL APPLICATION NO.47 OF 2023**

**IN**

**FIRST APPEAL NO.433 OF 2022**

(VI.D.C. and anr. Vs. Kokilabai Yadavrao Chaudhary and ors.)

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

Court's or Judge's Order

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Ms M Babhulkar, Advocate h/f Shri M.A. Kadu, Advocate for the  
appellants.  
Shri R.J. Shinde, Advocate for respondent No.1.

**CORAM:- URMILA JOSHI-PHALKE, J.**

**DATED :- JANUARY 18, 2023.**

Heard.

2. By this application, the original claimant/respondent No.1 is seeking withdrawal of the amount which is deposited by the appellant-acquiring body.

3. As per the contention of the applicant-original claimant, she is the owner of the land which was acquired by the acquiring body. Being aggrieved with the same, she preferred reference petition. The Reference Court has enhanced the compensation amount and against the said enhancement, acquiring body has preferred this appeal.

4. Due to the acquisition of land now she has no source of income. The acquiring body has deposited Rs.7,84,219/- (Rs. Seven lacs eight four thousand two hundred and nineteen) before the Reference Court which she has withdrawn but for her survival, additional amount

is required by her. Said application is opposed by the appellants on the ground that the amount of Rs.7,84,219/- is already withdrawn. The Award is challenged by the acquiring body being it is exorbitant one, and therefore, the application deserves to be rejected.

5. Heard both the sides. Perused the application.

6. The admitted fact is that the land of respondent No.1/claimant is acquired by the appellant. Now she has no source of income. Her survival is depends on the amount of compensation.

7. In the above facts and circumstances, it will be in the interest of justice to allow her to withdraw 50% of the amount.

8. In view of that civil application is allowed.

9. The original claimant/respondent No.1 is permitted to withdraw 50% of the amount of Rs.21,46,799/- which is deposited by the appellant in this Court, on furnishing usual undertaking.

10. The amount be disbursed on due identification and verification.

(URMILA JOSHI-PHALKE, J.)

*\*Divya*

Corrected as per  
Court's order dated  
07/02/2023.