

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

CIVIL APPLICATION (CAF) NO.71 OF 2023
IN
FIRST APPEAL NO.841 OF 2022

Executive Engineer, Zilla Parishad, Irrigation Division, Yavatmal

Vs.

Laxmi Sanjay Kanoje and others

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

Court's or Judge's orders

Mr. A. P Bhuihar, Advocate for appellant.
Mr. S. V. Ingole, Advocate for respondent No.1.
Ms. T. Udeshi, AGP for respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/01/2023

By this application, the applicant/respondent No.1 is seeking withdrawal of the decretal amount. This Court by passing order on 12.08.2022 directed the appellant to deposit Rs.35,00,000/- out of entire decretal amount. It is submitted by the learned Advocate for the original claimant/applicant that already appellant was permitted to deposit less amount. Now he be permitted to withdraw entire amount of compensation which is deposited. The learned Advocate for the appellant raised objection for the same on the ground that reference Court has awarded the compensation amount at the higher rates almost 57 times of the rate awarded by the Land Acquisition Officer. Considering the controversy at

(2)

38.caf.71.2023

this stage, original claimant is entitled to withdraw 25 % of the amount.

In view of that original claimant is permitted to withdraw 25% of compensation amount which is deposited on furnishing usual undertaking.

Civil Application 71 of 2023 is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate