

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

CIVIL APPLICATION (CAF) NO.751 OF 2022
IN
FIRST APPEAL NO.970 OF 2019

Vidarbha Irrigation Development corporation through Executive Engineer, Washim
Vs.
Baban Anandrao Kankirad and another

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

Court's or Judge's orders

Mrs. U. A. Patil, Advocate for the appellant.
Mr. Amol Darekar, Advocate for respondent No.1.
Ms. Shamsi Haider, AGP for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 02/03/2023

1. Present application is for grant of permission to withdraw the amount deposited by the appellant in this Court.
2. As per the contention of the respondent No.1 that he was the owner of the acquired land. He is agriculturist. Now his land is already acquired by the Government under compulsory acquisition. Now he has no source of income. The appellant has already deposited the amount of compensation in connected matters. This Court has already granted the permission to the claimant to withdraw the amount of compensation. As the respondent No.1 is facing the financial crisis, he may be permitted to withdraw the amount.

3. Learned Advocate for the appellant placed reliance on the order passed in **Civil Application (CAF) No.1912/2021 in First Appeal No.1944/2019 [VIDC, through Executive Engineer, Washim Vs. Mahadeo Daulat Wankhede and another]**.

4. Heard both the sides.

5. The fact of similar permission being granted is not contested by the learned Advocate for the appellant. In view of that respondent No.1 is permitted to withdraw 50% of the amount of enhanced compensation subject to furnishing usual undertaking. Remaining amount of 50% is permitted to withdraw subject to furnishing solvent surety to the satisfaction of the Registrar (Judicial).

6. The Civil Application is allowed and disposed of accordingly.

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1. The appellant to remove the office objections within two weeks regarding the paper book.

2. Place the matter for final hearing as per its own turn, after the office objections are removed.

(URMILA JOSHI-PHALKE, J.)

Sarkate