

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

CIVIL APPLICATION (CAF) NO. 236/2023 IN
FIRST APPEAL NO.946/2022

Executive Engineer, Upper Wardha Project No. 4, V.I.D.C., Amravati

Vs

Shri Dashrath S/O Hiranman Nikose (Dead) Through Lrs. Waman S/O Dashrath
Nikose And Others

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

Court's or Judge's Order

Mr R.D. Kalra, Advocate for the appellant.

Mr D.P. Dapurkar, Advocate for the applicant/respondent No.1.

Ms T.H. Udeshi, AGP for the respondent Nos. 2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/02/2023

1. Heard.
2. By this application, the applicant/respondent no.1 has filed application for withdrawal of the amount. As per contention of the applicant/respondent No.1, he is senior citizen and suffering from various ailments. His entire land is acquired by the Government Authority and he has no source of income for his livelihood. Hence, he be permitted to withdraw the entire amount of compensation.
3. The said the application is strongly opposed by the appellant on the ground that, huge amount of compensation is involved in the appeal. The appellant is challenging the judgment and award, on the ground that exorbitant amount of compensation is awarded.

4. Considering the reasons mentioned in the application and the objection raised by the appellant, it would be just and proper to permit the applicant/respondent no.1 to withdraw 50% of the amount on usual undertaking and 25% of the amount on furnishing solvent surety/security for the satisfaction of the Court.

5. The 50% of the amount be disbursed on furnishing usual undertaking mentioning that, if the adverse order is passed, he is ready to deposit the amount.

The civil application No. 236/2023 is **disposed of.**

JUDGE