

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

CAF NO.219/2022 AND FA NO.766/2016

Executive Engineer, Minor irrigation Division, Washim, District Washim

..VS..

Shankar Dattarao Magar and anr

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

Court's or Judge's Order

.....
Shri V.K.Paliwal, Counsel for applicant/R-1.
Mrs.U.A.Patil, Counsel for the Appellant.
Ms T.H.Udeshi, AGP for R-2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 30/01/2023

1. By this application, respondent No.1 seeks withdrawal of balance compensation amount deposited by the appellant/acquiring body on the ground that the land of respondent No.1 is already acquired and now he has no source of income for his livelihood and, therefore, he be permitted to withdraw the balance compensation amount.
2. Learned counsel Mrs.U.A.Patil for the appellant/acquiring body and learned Assistant Government Pleader Ms T.H.Udeshi for respondent No.2 objected the application.
3. Learned counsel Mrs.U.A.Patil for the appellant/acquiring body submits that the first appeal has already been fixed for its final hearing and it can be disposed of and, therefore, the present application be decided along with the first appeal.
4. Initially, respondent No.1 was permitted to withdraw 30% of amount considering dire need of respondent No.1. He can be permitted to withdraw additional 20% of amount of compensation.
5. In this view of the matter, respondent No.1 is permitted to withdraw 20% the balance compensation amount on his furnishing usual undertaking.
6. The civil application is **allowed** and **disposed** of.
7. Civil Application No.2193/2022 is shown to be pending

though it stood disposed of by order dated 3.10.2022. The said civil application stands **disposed** of.

8. Place the first appeal for its final hearing on 13.2.2023.

(URMILA JOSHI-PHALKE, J.)

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