

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

CIVIL APPLICATION (CAF) NO.253 OF 2022
IN
FIRST APPEAL NO.281 OF 2014

Executive Engineer, VIDC Medium Project Division, Nagpur

Vs.

Punjabrao Shravan Kadve and others

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

Court's or Judge's orders

Shri. Vinay Dahat, Advocate h/f Shri. J. B. Kasat, Advocate for appellant.
Shri S. D. Chopde, Advocate for respondent No.1.
Ms. Shamsi Haider, AGP for respondent Nos.2 to 4.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 09/01/2023

1. By this application, respondent Nos.1(a) to 1(c) are seeking withdrawal of the balance amount of compensation deposited by the appellant Corporation before this Court. As per contention of the respondents, the appellant has challenged the judgment and decree passed by learned Civil Judge Senior Division, Wardha in Land Acquisition Case No.375/2007 dated 28.03.2012. The Reference Court has granted the enhance rate of compensation @ Rs.2,500/- per tree for 925 Orange trees and Rs.3,000/- per tree for 171 Mosambi trees total amount of Rs.17,95,384/-. Now the appellant has deposited Rs.74,35,921/- which is lying in the Court.

2. The learned Advocate for the appellant though objected, but finally submitted that respondent

Nos.1 to 6 may be permitted to withdraw more 25 % on furnishing surety/usually undertaking.

3. Heard both the sides.

4. The respondents are already permitted to withdraw 50 % of the amount deposited earlier. On the same condition, respondent Nos. 1(a) to 1(c) can be permitted to withdraw the amount, which is lying in this Court.

5. In view of the above reasons mentioned in the application, respondent Nos.1(a) to 1(c) are permitted to withdraw 25 % of the amount which is lying in this Court on furnishing undertaking.

6. Civil Application is disposed of.

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List the appeal for final hearing on 02.02.2023.

(URMILA JOSHI-PHALKE, J.)

Sarkate