

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

FIRST APPEAL NO. 878 OF 2022

Executive Engineer, Shahanoor Project Achalpur Division, Dist. Amravati
..VS..
Gambhir Paikaji Bhil (Bhaskar) (Dead) through LRs. Naju wd/o Gambhir Bhaskar and
others

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

Court's or Judge's orders

Vinay Dahat, Advocate h/f. Mr. J.B. Kasat, Advocate for appellant.
Mr. Vaibhav N. Patre, Advocate for respondent Nos.1 to 6.
Mr. M.A. Kadu, A.G.P. for respondent Nos.7 and 8.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : FEBRUARY 03, 2023

FIRST APPEAL NO. 878 OF 2022

Admit.

2. Call for Record and Proceedings.
3. Appellant to file paper book within a period of eight weeks after receipt of Record and Proceedings.

CIVIL APPLICATION NO. 300 OF 2023.

By preferring this application, the respondent Nos.1 to 6 are seeking withdrawal of the amount on the ground that their land is already acquired by the Government and they have no source of income. Now they are in need of financial assistance therefore, they be permitted to withdraw the amount.

2. The said application is strongly opposed by the appellant on the ground that compensation is awarded at

a higher side and therefore, the Judgment and Award passed by the Civil Judge, Senior Division, Achalpur is challenged.

3. Considering the reasons mentioned in the application as well as submission of the learned Advocate for the respondent Nos. 1 to 6, at this stage, it will be just and proper to permit the respondent Nos. 1 to 6 to withdraw 50% amount on usual undertaking.

4. The respondent Nos.1 to 6 further requested that direction be given to the Registry to deposit the said amount in the bank account of Shri Abdul S/o Gambhir Bhaskar – respondent No.2, who is the Power of Attorney holder of respondent Nos.1, 3, 4, 5 and 6. The said Power of Attorney is filed on record.

5. The Registry is directed to deposit the 50% amount in the bank account of Shri Abdul S/o Gambhir Bhaskar – respondent No.2.

6. The respondent No.2 after withdrawal of the said amount shall file an affidavit to the extent that other respondents have received their shares.

The Civil Application No. 300 of 2023 is disposed of.

(URMILA JOSHI-PHALKE, J.)