

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

CIVIL APPLICATION (CAF) NO.207 OF 2023
IN
FIRST APPEAL NO.340 OF 2022

Vidharbha Irrigation Development Corporation, Through Executive Engineer, Purna
Medium Project, Achalpur

Vs.

Ramdasrao s/o Bajiraoji Dhuldhar and others

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

Court's or Judge's orders

Mr. Mohan Vishnu, Advocate h/f Mr. H. D. Marathe, Advocate for the
appellant/applicant.

Mr. R. J. Shinde, Advocate for the respondent No.1.

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

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/01/2023

1. By this application, original claimant is seeking withdrawal of the amount which is deposited by the acquiring body on the ground that the original claimant has lost his earning source as the land is already acquired by the Government. The claimant is suffering from the financial crises.
2. In view of that he be permitted to withdraw the entire compensation amount which is deposited by the appellant.
3. The learned Advocate Mr. Mohan Vishnu holding for learned Advocate Mr. Marathe raised objection on the ground that the reference Court has already awarded the exorbitant amount, and

therefore the decree of the reference Court is under challenged in this appeal and hence application be rejected.

4. Heard both sides.
5. Perused the application.
6. Considering the dire need of the original claimant, it would be in the interest of justice to permit him to withdraw 50% of the amount from the compensation.
7. In view of that respondent No.1 is permitted to withdraw 50% of the amount on usual undertaking.
8. Civil Application is disposed of.
9. The amount be disbursed on due verification and identification.

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Stand over after four weeks.

(URMILA JOSHI-PHALKE, J.)

Sarkate