

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

CIVIL APPLICATION (CAF) NO. 562/2021 IN
FIRST APPEAL NO. 1435/2019

V.I.D.C. Thr. Exe. Engineer, Yavatmal And Another
Vs
Shri Narayan Bajirao Kakade And Others

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

Court's or Judge's Order

Ms Mallika Babhulkar, advocate h/f Mr M.A. Kadu, advocate for the appellants.

Mr P.M. Pande, advocate for the respondent Nos. 1 and 2/applicant.

Ms T.H. Udeshi, AGP for the respondent Nos. 3 and 4.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 21/04/2023.

1. Heard.
2. Learned advocate for the appellants seeks permission to amend the legal heirs of respondent No.2.
3. Permission is granted to the appellants to carry out amendment which is not carried out, though the order was passed.
4. Appellants are permitted to carry out amendment forthwith.

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1. By this application, respondent No.1 and 2 are seeking permission for withdrawal of the amount.
2. The appellants have deposited Rs. 11,33,540/- towards the compensation amount. It is submitted on behalf

of the respondents that they are now landless and their lands are already acquired by the Government under compulsory acquisitions. Now, they have no source of income and they are in dire need of financial assistance.

3. The said application is strongly opposed by the learned counsel Mr M.A. Kadu on the ground that the appellants have preferred the appeal as the compensation amount awarded is excessive and exorbitant.

4. In view of the reasons mentioned in the application and considering the objections raised at this stage, it will be appropriate for respondent Nos. 1 and 2 to withdraw 75% of the amount along with accrued interest on the usual undertaking. The amount be disbursed on due identification and verification.

Civil application is **disposed of**.

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Appellants to file private paper-book within a period of four weeks.

2. Appeal be placed before the Court after filing of private paper-book and its verification, as per its turn.

JUDGE