

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

CIVIL APPLICATION (CAF) NO. 521/2023
IN FIRST APPEAL NO 406/2022

V.I.D.C. Thr. Executive Engineer, Vana Project, Shegaon, Buldhana

Vs

Shri Jugalkishor Murlidhar Bharuka And Another

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

Court's or Judge's Order

Mr C.J. Dhumane, Advocate for the appellant

Mr Dhiraj Ailani, Adv. h/f Mr U.J. Deshpande, Advocate for the respondent No.1.

Mrs Shamshi Haider, AGP for the respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/02/2023.

1. Heard.
2. By this application, the respondent No.1/claimant is seeking permission to withdraw the 75% of the amount of the compensation.
3. As per contention of the claimant, the appellant has already been deposited the amount of compensation. The land owned by the respondent No.1 is already acquired and appellant has no source of income, therefore, he is in dire need of money for his day-to-day affairs. Hence, he is seeking permission to withdraw the said amount.
4. The said application is strongly opposed by learned advocate for the appellant Mr C.J. Dhumane, on the ground

that quantum of compensation is challenged by preferring this appeal.

5. Heard learned advocate for the respondent No.1 as well as for the appellant.

6. Perused the application and grounds mentioned therein as well as objection. Considering the grounds mentioned in the application, it will be appropriate to permit the respondent No.1 to withdraw the amount of 25% on usual undertaking and 50% on furnishing solvent surety/security contending that, if the appellant succeeds in appeal, the excess amount of compensation will be refunded to the appellant.

7. The amount be disbursed on its due identification and verification of the Registrar (Judicial).

The civil application is disposed of.

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The appellant to file private paper-book within a period of eight weeks.

Place the matter for filing hearing after private paper-book is filed and its verification.

JUDGE