

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

CIVIL APPLICATION (CAF) NO. 356/2023 IN
FIRST APPEAL NO. 643/2022

Executive Engineer, Madhyam Prkalpa Vibhag, Yavatmal

Vs

Riyaz Khan Baldar Khan Pathan 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 I.P. Khisti, Advocate for the appellant.

Mr A.I. Sheikh, Advocate for the respondent No.1.

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

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 03/03/2023.

1. Heard.
2. By this application, respondent No.1/applicant is seeking permission to withdraw the amount.
3. As per his contention, he is an old age person. Now, his land is already acquired and he has no source of income. So he is facing financial crises.
4. Said application is opposed by learned advocate, Ms I.P. Khisti for the appellant, on the ground that appellant has challenged the judgment and award as the compensation amount awarded by the reference Court is excessive and exorbitant one.
5. In view of the reasons mentioned in the application and considering the ground raised by the appellant in the appeal, it will be appropriate to permit the respondent No.1

to withdraw 50% of the amount of compensation along with accrued interest on usual undertaking.

Civil Application No. 356/2023 is disposed of.

First Appeal No. 643/2022

Record and proceedings is still awaited.

2. Appellant to file private paper-book within a period of ten weeks after receipt of record and proceedings.
3. Place the matter for final hearing after private paper-book is filed and its verification, as per its turn.

JUDGE