

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO. 478 OF 2022
IN
FIRST APPEAL NO. 385 OF 2021

V. I. D. C. THR. ITS EXECUTIVE ENGINEER, CANAL DIVISION, AMRAVATI AND ANOTHER

...**VERSUS**...

SAU. VAISHALI GAJANANRAO TAPARE AND OTHERS

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

Court's or Judge's order

Shri M.A.Kadu, Advocate for appellant.

Shri P.J.Mehta, Advocate for respondent no. 1.

Ms. Mayuri Deshmukh, AGP for respondent nos. 2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 31st JANUARY, 2023

By this application, respondent no. 1 is seeking permission for withdrawal of balance amount. The respondent no. 1 is already permitted to withdraw 50% of the amount from the deposited compensation amount.

2. The present application is strongly opposed by Shri M.A. Kadu, learned counsel for the appellant on the ground that the appeal is filed against the judgment and award dated 10/11/2020 passed by the Presiding Officer, Land Acquisition, Rehabilitation and Resettlement Authority, Nagpur. The R & P is received. It is submitted by Shri Kadu, learned counsel that the appeal can be finally disposed of. He further submitted that the appeal is preferred mainly on the ground that the compensation amount granted by the Authority is an excessive and exorbitant one, therefore, the application deserves to be rejected.

3. The respondent no. 1 is already permitted to withdraw 50% of the amount and the objection raised by the appellant is that, the main ground for challenge to the award is an exorbitant compensation amount which is granted to respondent no. 1. At this stage, it will not be just to allow respondent no. 1 to withdraw the remaining 50% of amount. Considering the reasons mentioned in the application that the respondent no. 1 is landless and she is in need of the amount, it will be just and proper to allow the present respondent no. 1 to withdraw 25% of the amount alongwith accrued interest, on furnishing surety to that extent. Accordingly, respondent no. 1 is permitted to withdraw 25% of remaining compensation amount, on usual undertaking and on furnishing the surety to that extent. The present application is disposed of accordingly.

4. Later on, it is pointed out by Shri Kadu, learned counsel for the appellant that respondent no. 1 has not deposited the deficit Court Fee. Before withdrawal of the amount, respondent no. 1 shall deposit the deficit Court Fee.

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Permission is granted to file private paper book within six weeks.

2. The present appeal be tagged alongwith First Appeal (Stamp) No. 11946/2020.

(URMILA JOSHI-PHALKE, J.)