

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

CIVIL APPLICATION (CAF) NO.349 OF 2023
IN
FIRST APPEAL NO.242 OF 2016

Executive Engineer, Nagpur Medium Project Division, Vidharbha Irrigation
Development Corporation, Nagpur

Vs.

Waman Deorao Tambulkar 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. Tariq Mohammad Zaheer, Advocate for the appellant.
Mr. G. I. Dipwani, Advocate for respondent No.1.
Ms. Shamsi Haider, AGP for respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/02/2023

1. By this application respondent No.1 is seeking permission to withdraw the amount along with accrued interest which is deposited by the appellant.
2. As per the contention of the respondent No.1 that his land is acquired by the Government, hence he has no source of income. The appellant has already deposited the entire amount of compensation, hence he may be permitted to withdraw the amount.
3. The said application is opposed by the learned Advocate for the appellant Tariq Mohammad Zaheer on the ground that appellant has challenged the judgment and award is passed which is exorbitant one.
4. Considering the need place on record by the respondent No.1 and the objection raised by the

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appellant, it will be just and proper to permit the respondent No.1 to withdraw 50% of the amount.

5. The respondent No.1 is permitted to withdraw 50% of the amount along with accrued interest on usual undertaking.

6. Civil Application is disposed of

(URMILA JOSHI-PHALKE, J.)

Sarkate