

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

CIVIL APPLICATION (CAF) NO.605 OF 2020
IN
FIRST APPEAL NO.772 OF 2018

Executive Engineer, Purna Medium Project, Achalpur

Vs.

Vinod s/o Shankarlal Sikachi 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. Anoopsingh Parihar, Advocate for the appellant.

Mrs. Prajakta Chaudhari, Advocate for respondent Nos.1, 2(a) to 2(d).

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

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/03/2023

1. Learned Advocate Mrs. Prajakta Chaudhari for the respondent Nos.1, 2(a) to 2(d) submitted that present application is filed by the respondent Nos.1 and 2(a) to 2(d) for seeking permission to withdraw the compensation amount.

2. As per contention of the respondent Nos.1 and 2(a) to 2(d) their land is acquired for Purna Medium Project. The appellant has deposited the entire amount of compensation of Rs.16,68,801/-. This Court had already permitted the respondent Nos.1 and 2(a) to 2(d) to withdraw 50% of the amount by order dated 24.01.2009. Now the respondent Nos.1 and 2(a) to 2(d) approached to this Court for seeking permission to withdraw the amount as they have lost their earning

source and they have to obtain the loan for their survival. Now they have no source of income, and therefore they are unable to survive as the compensation amount entirely was not granted to them.

3. Said application is strongly opposed by the learned Advocate Mr. Parihar for the appellant on the ground that 50% amount is already withdrawn, in view of the permission of this Court. Now there is no sufficient and reasonable cause for permitting the respondent Nos.1 and 2(a) to 2(d) to withdraw the amount.

4. Heard learned Advocate Mrs. Prajakta Chaudhari for the respondent Nos.1, 2(a) to 2(d). She also placed reliance order passed in Civil Application (CAF) No.4538/2019 and Civil Application (CAF) No.606/2020 wherein this Court has permitted the claimants to withdraw the entire amount. Learned Advocate Mr. Parihar for the appellant submitted that the appellant has preferred this appeal as compensation is awarded which is excessive and exorbitant one.

5. In view of the reasons mentioned in the application and considering the objection raised by the appellant at this stage, it will be appropriate to permit the respondent Nos.1, 2(a) to 2(d) to withdraw the compensation amount subject to the undertaking that, if appellant succeeds in the appeal, they shall refund the amount of compensation on furnishing the said undertaking the respondent Nos.1, 2(a) to 2(d) are

permitted to withdraw the entire remaining amount of compensation along with accrued interest.

5. Civil application is disposed of.

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1. Appellant to file paper book within four weeks.
2. Appeal be placed for final hearing, after filing of the paper book, its verification, as per its own turn.

(URMILA JOSHI-PHALKE, J.)

Sarkate