

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

CIVIL APPLICATION (CAF) NO.80 OF 2023

IN
FIRST APPEAL NO.920 OF 2022

The Executive Engineer Purna Medium Project Division, Achalpur presently known as
Executive Engineer Medium and Minor Irrigation Division, Amravati

Vs.

Vinayak s/o Namdeorao Bhakre 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. Vinay Rathi, Advocate h/f Mr. P. B. Patil, Advocate for appellant.
Mr. R. J. Shinde, Advocate for respondent No.1.
Mr. K. L. Dharmadhikari, AGP for respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 23/03/2023

1. This application is filed for grant of permission to deposit the amount.

2. The appellant has already deposited the amount. In view of that, Civil application is disposed of.

Civil Application (CAF) No.2590/2022

1. By filing this application, the appellant is seeking stay to the effect, execution and operation of the impugned Award dated 7.11.2019 passed by the Civil Judge Senior Division, Achalpur in Land Acquisition Case No.20/2014.

2. The amount is already deposited along with accrued interest including the statutory benefits by the appellant. In view of that the effect, execution and operation of the Judgment and Award passed by the Civil Judge Senior Division, Achalpur in Land Acquisition Case No.20/2014, be stayed till disposal of the appeal.

Civil Application (CAF) No.806/2023

1. Present application is filed for seeking permission for withdrawal of the amount.

2. As per contention of the respondent No.1 that his land is already acquired by the Government for Chandrabhaga River Project under the compulsory acquisition. Now, he has no source of income. Original claimant respondent No.1 is old aged person and suffering from various ailments. He requires the amount for his medical treatment as well as for his day to day expenses.

3. Said application is strongly opposed by the learned Advocate Mr. Vinay Rathi holding for learned Advocate Mr. P. B. Patil for the appellant on the ground that the Reference Court has enhanced the amount of compensation more than five times which is exorbitant one.

4. In view of the reasons mentioned in the application and the objection raised, it will be appropriate at this stage to allow the respondent No.1 to withdraw 75% of the amount along with the accrued interest on usual undertaking to the extent that if appellant succeeds in the appeal and the amount of compensation is reduced then respondent No.1 is liable to redeposit the amount along with accrued interest which is excessively given to him.

5. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate