

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

CIVIL APPLICATION (CAF) NO. 1936/2023
IN
FIRST APPEAL NO. 488/2021

The Executive Engineer, Bembla Canal Division, Yavatmal

Vs.

Devaji Chintaman Gohane and others

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

Court's or Judge's orders

Shri T.M. Zaheer, Advocate for appellant
Shri A.B. Nakshane, Advocate for respondent Nos.1 to 3
Shri M.A. Kadu, AGP for respondent Nos. 4 & 5

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 13/07/2023

Present application is filed by respondent No.1 for grant of permission to withdraw the amount so deposited by appellant. The entire decretal amount of enhanced compensation is deposited by appellant with this Court.

2. For the reasons stated in the application, it would be appropriate to allow the applicant to withdraw 75% of amount so deposited.

3. The learned Counsel for respondent Nos. 1 to 3 informs that respondent No.1 is holding power of attorney on behalf of respondent Nos. 2 and 3 and power of attorney is already submitted with this Court. As such, applicant No.1 is permitted to withdraw 75% amount along with accrued interest thereof and to submit usual undertaking.

4. Registry is directed to disburse 75% amount along with accrued interest of compensation so deposited after due verification of documents and power of attorney

5. Application stands disposed of.

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Heard.

2. **Admit.**

3. Learned Counsel Shri A.B. Nakshane waives notice for respondent Nos. 1 to 3.

4. Learned Assistant Government Pleader waives notice for respondent Nos. 4 and 5.

CIVIL APPLICATION (CAF) NO. 1690/2021

In view of above, total enhanced decretal amount is deposited by appellant with this Court. As such, the effect and operation of the impugned judgment and decree passed by the Civil Judge, Senior Division, Kelapur, in Land Acquisition Case No. 6/2011 dated 16/07/2020, is hereby stayed till pendency of appeal.

2. Application stands disposed of.