

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

CAF NO.495/2023 IN FA NO.1019/2017
Executive Engineer (VIDC) Minor Irrigation Division, Washim

..VS..

Nilesh s/o Damodhar Bhutada and anr

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

Court's or Judge's Order

.....
Shri Amol Darekar, Counsel for Applicant/R-1.
Mrs.U.A.Patil, Counsel for the Appellant.
Mrs.Shamsi Haider, AGP for R-2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 22/02/2023

1. By this application, respondent No.1/claimant seeks withdrawal of the amount of compensation.
2. As per order of this Court dated 13.2.2018, respondent No.1/claimant was permitted to withdraw 50% of the amount deposited in this Court.
3. Learned counsel Mrs.U.A.Patil for the appellant opposes the application and submits that the Reference Court had awarded compensation at exorbitant rate and, therefore, the VIDC has challenged judgment and order impugned in the appeal. She submits that as the paper book has already been filed, the appeal can be disposed of finally.
4. Having heard learned counsel for parties and perused the application, I find that respondent No.1/claimant has no source of income and he is in need of money.

5. In this view of the matter, for reasons stated in the application, the application is **allowed**. The respondent No.1/claimant is permitted to withdraw 25% of the remaining balance compensation amount on furnishing security/surety.
6. Learned counsel for respondent No.1/claimant undertakes that if the appeal filed by the VIDC succeeds, respondent No.1/claimant will refund the amount withdrawn by him.
7. List the appeal for final hearing after four weeks.
8. The application is **disposed** of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

BHUSHAN
RANA
WANKHEDE

Digitally signed
by BHUSHAN
RANA
WANKHEDE
Date:
2023.02.23
11:02:06
+0530