

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

CAF NO.2789/2022 IN FA NO.52/2022

VIDC, thr. its Executive Engineer, Minor Irrigation Division No.2, Akola

..VS..

Pandurang Shriram Mahalle and ors

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

Court's or Judge's Order

.....

Shri R.M.Badar, Counsel for Applicant/R-1.
Shri S.R.Babhulkar, Counsel for the Appellant.
Mrs.Shamsi Haider, AGP for R-2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 22/02/2023

1. By this application, respondent No.1 seeks withdrawal of the amount.

2. Learned counsel for respondent No.1 submits that respondent No.1 is in need to money, as he has no source of income, for his day to day affairs and, therefore, he be permitted to withdraw the amount.

3. Learned counsel Shri S.R.Babhulkar for the appellant submits that entire amount of compensation has already been deposited. He submits that he has no objection if 75% of the deposited amount is permitted to be withdrawn.

4. In this view of the matter, respondent No.1 is permitted to withdraw 50% of the deposited amount on usual undertaking and 25% of the deposited amount on furnishing security/surety.

5. It is made clear that if judgment in the appeal is

reversed, respondent No.1 shall refund the amount of compensation.

6. The application is **disposed** of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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