

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

FIRST APPEAL NO. 455 OF 2022

VI.D.C. VS. BABAN PUNDLIK NAKADE 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. A. M. Kukday, Advocate for appellant.
Shri. A. R. Patil, Advocate for respondent No.1.
Shri. K. L.Dharmadhikari, AGP for respondent Nos.2 & 3.

CORAM : SMT. M. S. JAWALKAR J.

DATE : 18/07/2023

CIVIL APPLICATION (F) NO. 1502 OF 2023

Present application is filed by respondent No.1 for permission to withdraw the compensation amount deposited by the appellant.

2. The appellant has deposited an amount of **Rs.69,73,324/-** (Rupees Sixty Nine Lakhs Seventy Three Thousand and Three Hundred and Twenty four only) vide C.C.D.R. No.30052 on 20/10/2022.

3. For the reasons stated in the application, the present application is partly allowed. The present applicant/respondent No.1 is permitted to withdraw

50% of the total amount of compensation deposited along with accrued interest within **two weeks** on his furnishing usual undertaking to the effect that if the appellant would succeed in the appeal, he would refund the amount as per final order of this appeal.

4. Nazir to disburse the amount as directed above in favour of respondent No.1 on his furnishing usual undertaking.

5. The interim relief granted by order dated 04/05/2022 was subject to deposit of entire amount of compensation within twelve weeks. However, the entire amount of compensation has not been deposited by the appellant. The entire amount of compensation be deposited. The interim relief granted by this Court is continued during pendency of present appeal, subject to deposit of entire amount of compensation within eight weeks.

6. Application is disposed of.

JUDGE