

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

FIRST APPEAL NO. 961 OF 2019

Vidarbha Irrigation Development Corporation vs. Uttam Narayan Bhagat and another

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

Court's or Judge's Orders.

Smt. Ujjwala Patil, Advocate for appellant.
Shri. Amol Darekar, Advocate for respondent No.1.
Smt. Trupti Udeshi, AGP for respondent No.2.

CORAM : URMILA JOSHI-PHALKE J.

DATE : 03/04/2023

CIVIL APPLICATION (F) NO. 721 OF 2023

By this application, the respondent No.1 is seeking permission for withdrawal of the amount of the compensation, on the ground that the respondent No.1 is an agriculturist and his only source of income was agricultural land, which was acquired by the appellant VIDC. Now, he is no source of income. He is suffering from financial crisis therefore, he be permitted to withdraw the entire decretal amount.

2. Said application is strongly opposed by learned Advocate Smt. Ujjwala Patil on the ground that appellant has challenged the compensation, as it is awarded excessive and exorbitant one. In view of that application deserve to be rejected.

3. Heard both the sides. Perused the application.

4. Considering the reasons mentioned in the application and the objections raised, it will be appropriate to permit the claimants/respondent No.1 to withdraw only 75% of the amount of compensation.

5. Out of 75% of the compensation amount respondent No.1 is permitted to withdraw 50% amount along with interest on usual undertaking and 25% amount along with interest on furnishing security/surety for the satisfaction of the Registrar(Judicial).

6. In view of that application is disposed of.

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Appellant to file paper book within eight weeks. As record and proceeding is already received, appeal be placed before the Court after filing of paper book, its verification, as per its own turn.

[URMILA JOSHI-PHALKE J.]