

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

**CIVIL APPLICATION (CAF) NO. 3524/2019 (CAF)**  
**IN FIRST APPEAL NO. 150/2021**

M.S.I.D.C, Through Its Manager, Amravati  
Vs  
State Of Maharashtra Through Its Collector, Amravati And Others

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

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Court's or Judge's Order

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Mr Y.P. Bage, Advocate h/f Mr A.C. Jaltare, Advocate for the appellant.  
Ms Shamshi Haider, AGP for respondent No.1.  
Mr R.J. Shinde, Advocate for the respondent No.3.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 28/02/2023.**

1. Heard.
2. By preferring this application, the appellant is seeking stay to the effect, operation and execution of the judgment and award passed by learned Court of Joint Civil Judge, Senior Division, Amravati in LAC No. 106/2012 dated 18/01/2017.
3. By passing order dated 15/10/2019, this Court granted stay, subject to depositing of 75% amount of compensation. Now, the appellant has already deposited 75% of the amount of compensation. The appellant shall also deposit remaining 25% of the amount of compensation including the accrued interest.

4. On depositing remaining 25% of the amount of compensation, the execution, operation and implementation of the judgment and decree passed in LAC No. 106/2012 be stayed till disposal of the appeal.

Civil application (CAF) No. 3524/2019 is disposed of.

**Civil application (CAF) No. 599/2023**

By this application, the applicant/respondent No.3 seeking withdrawal of the compensation amount.

2. As per the contention of the respondent No.3, the appellant has deposited entire decretal amount of Rs. 3,64,118/-. The land of respondent No.3 is acquired by the appellant. Now, he has no source of income. He is suffering from financial crises. In view of that he be permitted to withdraw the compensation amount.

3. The said application is opposed by the learned advocate for the appellant, on the ground that the amount of compensation awarded by the Court is exorbitant one. As the appellant has already deposited 75% of the amount of compensation and 25% is yet to be deposited.

4. In view of that, the respondent No.3 is permitted to withdraw the 75% of the amount i.e Rs. 3,64,118/- along with accrued interest on due identification and verification.

5. The respondent No.3 shall not claimed remaining 25% of amount till disposal of the appeal.

**First Appeal No. 150/2021****Admit**

2. Call for record and proceedings.
3. Ms Shamshi Haider, learned AGP waives service of notice on behalf of respondent No.1.
4. Mr R.J. Shinde, learned Advocate waives service of notice on behalf of respondent No.3.
5. Appellant to file private paper-book within a period of ten weeks after receipt of record and proceedings.
6. After receipt of record and proceedings, appeal be placed before the Court after paper book is filed and its due verification.

**JUDGE**