

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

**CAF NO.618/2023 AND CAF NO.1739/2021 AND FA NO.188/2022**

**The Executive Engineer, Nimn Painganga Project, Yavatmal**

**..VS..**

**Rajendra s/o Namdeo Tatewar and ors**

**Rajendra s/o Namdeo Tatewar : APPLICANT**

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

Court's or Judge's Order

.....  
Shri D.R.Bhoyar, Counsel for the Applicant/R-1.  
Shri T.M.Zaheer, Counsel for the Appellant.  
Mrs.Shamsi Haider, AGP for R-2 & 3.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 02/03/2023**

1. Applicant/respondent No.1 seeks permission for withdrawal of amount Rs.3,30,807/-.
2. Learned counsel Shri D.R.Bhoyar for applicant/respondent No.1 submits that the applicant's land was acquired by compulsory acquisition and now he has no source of income and is facing financial crisis. Hence, he prays that applicant/respondent No.1 be permitted to withdraw the said amount.
3. Learned counsel Shri T.M.Zaheer for the appellant raises objection for withdrawal of the amount since compensation awarded by learned Judge below is exorbitant and without considering market value. Hence, he prays that the application be rejected.
4. Heard and perused the application.
5. It is apparent that meagre amount of compensation is awarded. Considering the same applicant/respondent No.1 is permitted to withdraw 75% of the deposited amount on usual undertaking.
6. The amount be disbursed on due verification and identification.

7. Since the appellant has already deposited amount of compensation and applicant/respondent No.1 has already been permitted to withdraw 75% of the deposited amount, there shall be **stay** to effect, operation and execution of judgment and award dated 10.12.2019 passed by learned 2<sup>nd</sup> Joint Civil Judge Senior Division, Yavatmal in Land Acquisition Case No.509/2016, till final disposal of the appeal.

8. The first appeal is **admitted**. Record and proceedings are received. Paper book be filed within eight weeks. Office to place the appeal, after filing of paper book, as per its turn for final hearing.

9. Both civil applications are **disposed** of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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