

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

CIVIL APPLICATION (CAF) NO. 843/2023 IN
FIRST APPEAL NO. 1149/2016

State Of Maharashtra Through Collector, Yavatmal And 2 Others

Vs

Shridhar S/O Mahadeorao Wankhede

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

Court's or Judge's Order

Mr M.A. Kadu, AGP for the appellants.

Mr A.B. Darekar, counsel for the respondent No.1/applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 23/03/2023.

1. The present application is filed by the applicant for seeking permission to withdraw the amount deposited by the appellants with the learned Reference Court.
2. As per contention of the respondent no.1/applicant that he has aged about 75 years and suffering from various ailments, the only source was the land which is already acquired by the Government under compulsory acquisition. Now, he has no source of income and therefore, he is unable to bear the expenses of his medical treatment as well as he is facing financial crises to meet day-to-day expenses.
3. The said application is opposed by the appellant/State on the ground that the appellant has challenged the judgment and award by the trial Court, as the compensation awarded is exorbitant and excessive one, and hence, the application deserves to be rejected.

4. Heard both the sides.
5. Considering the ground raised in the application and objection raised by the appellant, at this stage, it will be appropriate to permit the respondent No.1 to withdraw 50% amount on usual undertaking.
6. Amount be disbursed on due identification and verification before the learned Reference Court.

Civil application is disposed of.

JUDGE