

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

CIVIL APPLICATION (CAF) NO. 858/2023 IN
FIRST APPEAL NO. 869/2022

Exe. Engineer, Uppar Wardha Project Division , Amravati
Vs
Suresh S/O Baliram Ahirkar And Others

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

Court's or Judge's Order

Mr Vinay Dahat, counsel h/f Mr J.B. Kasat, counsel for the appellant.
Mr Abhishek Bhuihar, counsel h/f Mr S.B. Gandhe, counsel for the respondent
Nos.1 and 2/applicants.
Mr K.L.Dharmadhikari, AGP for the respondent Nos. 3 and 4.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/03/2023.

1. Heard.
2. Present application is for seeking permission for withdrawal of the amount on behalf of respondent Nos. 1 and 2.
3. As per the contention of respondent Nos. 1 and 2, the appellant has deposited the decretal amount with accrued interest i.e. 5,45,742/-. The only earning source of respondent Nos. 1 and 2 was the acquired land which they have lost due to acquisition. The respondents are the old aged person. They are in financial need to meet their day-to-day expenses and therefore, they claim the compensation amount.
4. Mr Vinay Dahat, the learned counsel for the appellant has strongly opposed the application on the ground that

the reference Court has awarded the compensation amount which is exorbitant and excessive one.

5. In view of the reasons mentioned in the application and the objection raised, it will be appropriate to permit respondent Nos. 1 and 2 to withdraw the 75% of the amount on usual undertaking.

6. The amount be disbursed on due identification and verification.

Civil application is disposed of.

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Record and Proceedings is awaited.

2. Appellant to file private paper-book within a period of ten weeks after receipt of record and proceedings.

3. After receipt of record and proceedings, place the matter for final hearing as per its own turn.

JUDGE