

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

CIVIL APPLICATION (CAF) NO. 839/2023
IN FIRST APPEAL NO. 414/2018

MI.D.C.Through Its Chief Executive Officer, Amravati.

Vs

Saifuddin Ismalibhai And 2 Others

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

Court's or Judge's Order

Mr Pargh Sagdeo, counsel h/f Mr M.M. Agnihotri, counsel for the appellant.

Mr S.C. Mehadia, counsel for the respondent Nos. 1 and 2.

Ms T.H. Udeshi, AGP for the respondent No.3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 30/03/2023.

1. Present application is for seeking permission for withdrawal of the compensation amount. The appellant has deposited the amount of Rs. 75,31,267/- in this Court.
2. The said application is strongly opposed by the learned counsel for the appellant on the ground that the reference Court has awarded the compensation amount which is excessive and exorbitant one. Regarding the same notification, this Court has awarded the rate of compensation of Rs. 3,00,000/- and therefore, the claimants are not entitled to receive the entire compensation amount. Hence, civil application deserves to be rejected.
3. Heard both the sides. Perused the application.

4. Calculation sheet filed by the appellant shows that, it is the interest amount which is imposed on the appellant as the compensation amount was not deposited within time.

5. Learned counsel for the respondent Nos. 1 and 2 place reliance on the order passed by this Court in connected appeals in Civil Application No. 2386/2019 in First Appeal No. 782/2017, wherein this Court has allowed the claimants to withdraw the 75% of the amount.

6. In view of the reasons mentioned in the application and considering the objection raised, it will be appropriate to permit the respondent Nos. 1 and 2 to withdraw the 50% amount deposited by the appellant before this Court on usual undertaking and 25% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

7. Amount be disbursed on due identification and verification

Civil application is disposed of.

JUDGE