

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

CIVIL APPLICATION NO.877 OF 2023

IN

FIRST APPEAL NO.449 OF 2021

(The Executive Engineer, Medium Irrigation Project, Yavatmal Vs. Panchphulabai Baliram
Khatare (dead) thr. L.R's and ors.)

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

Court's or Judge's Order

Shri V. Rathi, Advocate h/f Shri P. Patil, Advocate for the appellant.
Shri S.V. Ingole, Advocate for respondent No.1.
Ms Udeshi, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MARCH 28, 2023.

Heard.

2. By this application, the applicants seek permission to withdraw the amount of compensation deposited by the appellant.

3. As per the contention of the applicants/claimants, their land was acquired by the Government under the compulsory acquisition. They have no source of income and they are in need of financial assistance, therefore, they be permitted to withdraw the amount.

4. Said application is strongly opposed by Shri Rathi, learned Counsel for the appellant. He objected for the withdrawal on the ground that the earlier application for withdrawal was not considered by this Court.

5. On the other hand, Shri Ingole, learned Counsel for respondent No.1 placed reliance on the order

of this Court in connected matter, Civil Application No.1426/2017 in First Appeal No.1189/2016 wherein this Court has permitted the claimant to withdraw 50% of the amount on usual undertaking and 50% of the amount on furnishing a solvent surety.

6. Considering the grounds mentioned in the application and the objection raised as well as considering the claimants are already permitted to withdraw the amount in connected matters, it will be appropriate and just to permit the claimants to withdraw 50% of the amount of compensation on usual undertaking and 25% of the amount on furnishing solvent surety to the satisfaction of the Registrar (Judicial).

7. The applicant No.1(a) is the Power of Attorney for all other claimants. He is permitted to withdraw the amount on behalf of the other respondents/claimants.

8. Respondent No.1(a) shall file an affidavit to the extent that he has disbursed the compensation amount to the other respondents/claimants.

9. The amount along with the accrued interest be disbursed to respondent No.1(a) on due identification and verification.

10. Civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)