

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

CIVIL APPLICATION (CAF) NO.886 OF 2023
IN
FIRST APPEAL NO.325 OF 2021

Vidarbha Irrigation Development corporation Through its Executive Engineer and
another

Vs.

Late Sheshrao N. Kale Through L.R.S., 1a) Bhagwat Sheshrao Kale and others

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

Court's or Judge's orders

Mr. H. D. Marathe, Advocate for appellants.

Mr. A. B. Darekar, Advocate for respondent Nos.1(a) to (f).

Ms. T. Udeshi, AGP for respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/03/2023

This is an application filed by the respondent Nos.1(a) to 1(f) for withdrawal of the compensation amount deposited by the appellant in this Court.

As per contention of the respondents/claimants their land is already acquired under the compulsory acquisition. Now, they have no source of income and therefore they are in need of financial assistance.

The said application is strongly opposed by the learned Advocate Mr. Marathe for the appellants on the ground that appellants have challenged the Judgment and Award as compensation was awarded which is excessive and exorbitant one.

In view of the reasons mentioned in the application and considering the objections a very small amount is involved.

In view of that, the respondents/claimants are permitted to withdraw the amount along with accrued interest on usual undertaking to the extent that, if appellants succeed in the appeal, respondents/claimants to refund the amount as per the directions of the Court.

Civil application is disposed.

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Leave is granted to the appellants to carry out the amendment in respect of the name of respondent No.1(a).

Permission is granted to carry out the amendment forthwith.

(URMILA JOSHI-PHALKE, J.)

Sarkate