

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

CIVIL APPLICATION (CAF) NO.1152 OF 2023

IN
FIRST APPEAL NO.254 OF 2023

The Executive Engineer, Medium Irrigation Project

Vs.

Panjab s/o Narayan Tarte through P.O.A. holder Sukhadev Narayan Tarte 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. Nikhil Waghmare, Advocate h/f P. B. Patil, Advocate for appellant.
Mr. S. V. Ingole, Advocate for respondent No.1.
Ms. T. Udeshi, AGP for respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 19/04/2023

The present application is seeking permission to withdraw the entire deposited decretal amount.

The application is filed on the ground that the respondent No.1 is landless person, very meager amount was awarded by the reference Court and now the respondent No.1 is not having any source of income, therefore, he is facing financial constrain. In view of that, he may be permitted to withdraw the entire amount of compensation

The said application is strongly opposed by the appellant. Leaned Advocate Mr. Waghmare holding for Mr. P. B. Patil for the appellant submitted that initially the entire principal amount is already permitted to

withdraw. The appellant has preferred the appeal as the compensation amount awarded is excessive and exorbitant one.

Considering the reasons mentioned in the application, and the objection raised at this stage it will be appropriate to permit the respondent No.1 to withdraw Rs.1,00,000/- along with accrued interest on usual undertaking.

Civil Application is disposed of.

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Heard.

Admit.

Learned Advocate Mr. S. V. Ingole waives notice for respondent No.1.

Learned AGP Ms. Udeshi, waives notice for respondent Nos.2 and 3.

Paper book is already filed.

Appeal be placed for final hearing after Summer Vacation, as per its own turn.

(URMILA JOSHI-PHALKE, J.)