

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

CIVIL APPLICATION (CAF) NO.363 OF 2017

IN
FIRST APPEAL NO.1415 OF 2019

Vidarbha Irrigation Development Corporation, through its Executive Engineer
Vs.
Radheshyam Hiralal Lahoti since dead through LR's 1A Smt. Shobha Radheshyam
Lahoti 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. Vinay Dahat, Advocate h/f Mr. J. B. Kasat, Advocate for appellant/applicant.
Mr. P. S. Kshirsagar, Advocate for respondent Nos.1A to 1D.
Ms. T. H. Udeshi, AGP for respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/04/2023

1. By this application, the applicant is seeking stay to the effect, operation and implementation of the impugned Judgment and Award in Land Acquisition Case No.181/2006 passed by Civil Judge Senior Division Link Court, Mehkar.
2. The learned Advocate Mr. Dahat holding for learned Advocate Mr. J. B. Kasat, for the applicant submitted that the entire amount of compensation along with accrued interest is already deposited. In view of that, the effect, operation, implementation and execution of the impugned Judgment and Award passed by the Civil Judge Senior Division Link Court, Mehkar in Land Acquisition Case No.181/2006, is stayed till disposal of the appeal.

3. Civil application is disposed of.

Civil Application (CAF) No.1243/2023

1. This application is for seeking permission for withdrawal of the amount deposited by the appellant on the ground that the respondents have lost their land in compulsorily execution. Now, they have no source of income. The appellant has deposited the entire amount. Considering the respondent No.1A is old aged lady requires the financial assistance for medical treatment. The respondent Nos.1A to 1D be permitted to withdraw the amount.

2. The said application is strongly opposed by learned Advocate Mr. Dahat on the ground that appellant has challenged the award as amount of compensation awarded is excessive and exorbitant one.

3. In view of the reasons mentioned in the application and objection raised at this stage, it will be appropriate to permit the respondent Nos.1A to 1D to withdraw 75% of the amount along with accrued interest on usual undertaking.

4. Civil Application is disposed of.

First Appeal No.1415/2019

1. Appellant to file paper book within ten weeks.

2. Record and proceeding is received.

(3)

23.caf.363.2017

3. Appeal be placed before the Court after filing of the paper book, its verification, as per its own turn.

(URMILA JOSHI-PHALKE, J.)

Sarkate