

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

CIVIL APPLICATION (CAF) NO. 1261/2023 IN
FIRST APPEAL NO. 294/2015 (D)

VIDC Through Its Executive Engineer, Wardha And Another
Vs
Shakuntalabai Devidasji Kale 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 Anoopsingh Parihar, advocate for the appellants.
Mr Vivek Awchat, advocate for the respondent No.1/applicant.
Mr. M.A. Kadu, AGP for the respondent Nos. 2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 02/05/2023.

1. The present application is seeking permission for the withdrawal of the amount.
2. The appeal is already dismissed vide order dated 01/12/2022, however, the learned advocate for the appellants Mr Parihar submitted that he will take necessary steps to restore the appeal.
3. It is submitted by the learned advocate Mr Awachat, respondent No.1 is 86 years of old. Considering the respondent No.1 is of 86 years of old, if permission is not granted, she would not get the fruits of the award. The 30% amount is already withdrawn by respondent No.1.
4. The said application is strongly opposed by the learned advocate for the appellants on the ground that compensation awarded is excessive and exorbitant.

5. However, considering the grounds mentioned in the application and the objection raised, at this stage, it will be appropriate to permit the respondent No.1 to withdraw the 25% of the amount along with accrued interest on usual undertaking on due identification and verification.

Civil application is **disposed of**.

JUDGE