

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

CIVIL APPLICATION (CAF) NO.1253 OF 2023

IN
FIRST APPEAL NO.645 OF 2019

Vidarbha Irrigation Development Corporation through Executive Engineer Medium
Project Division, Yavatmal

Vs.

Pushpabai Vasant Jadhav (through Power of Attorney) Satish Vasantrao Jadhao and
others

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

Court's or Judge's orders

Ms. Mallika Babulkar, Advocate h/f Mr. M. A. Kadu, Advocate for appellant.
Mr. S. V. Ingole, Advocate h/f Mr. A. B. Nakshane, Advocate for respondent No.1.
Ms. T. Udeshi, AGP for respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/05/2023

1. This application is seeking permission for withdrawal of the amount on the ground that the land of the applicant i.e. respondent No.1 is already acquired by the Government and very meager amount of compensation was awarded to the respondent No.1. Now the respondent No.1 has no source of income. The present applicant/respondent No.1 is suffering due to the poor financial condition and hence, he be permitted to withdraw the entire amount of compensation.

2. The Said application is strongly opposed by the learned Advocate for the appellant on the ground that the amount of Rs.1,00,000/- is already withdrawn and the appellant has challenged the quantum of the

compensation which is excessive and exorbitant one.

3. Perused the application and the objection raised by the appellant, the amount involved is meager amount of Rs.1,25,876/-. The respondent No.1 has already withdrawn the amount of Rs.1,00,000/-. Now he is in need of money. In view of the reasons mentioned in the application, the Power of Attorney Satish Vasant Rao Jadhav for the respondent No.1 is permitted to withdraw the amount of compensation on usual undertaking to the extent that if appellant succeeds in the appeal and the amount of compensation is reduced the respondent No.1 shall refund the amount of compensation as per the direction of this Court.

4. In view of the above terms, Civil Application is disposed of.

5. The amount be disbursed to the Power of Attorney on due identification and verification.

6. The Power of Attorney shall file an affidavit to the extent that the amount of compensation is disbursed to the respondent No.1.

(URMILA JOSHI-PHALKE, J.)

Sarkate