

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (F) NO.1269 OF 2023

IN

FIRST APPEAL NO.638 OF 2022

[Vidarbha Irrigation Development Corporation and Anr. ..V/s.. Sau. Nanda
Uttam Lohote and Ors.]

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

Court's or Judge's order

Ms M. Babhulkar, Adv. h/f Mr M. A. Kadu, Advocate for Applicants/Appellants.
Mr. S. V. Ingole, Advocate for Respondent No.1.
Ms T. H. Udeshi, AGP for Respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 28th APRIL, 2023.

1. Present application is for seeking permission for withdrawal of the amount on the ground that the only source of income of respondent No.1 was the land acquired by the Government under the compulsory acquisition. Now, the respondent – original claimant is facing financial crisis, and therefore, he is in dire need of money, and hence, he may be permitted to withdraw the amount of Rs.2,27,458/-.

2. The said application is strongly opposed by the learned Advocate for appellants on the ground that the compensation awarded by the Reference Court to the present respondent No.1, on the basis of sale deed, which is of another village, is excessive and exorbitant one.

3. Considering the ground raised in the application and the objection raised, the respondent No.1 is permitted to withdraw the entire amount of compensation on usual undertaking to the extent that if appellants succeed in the appeal, then on reversal of

the judgment of this Court, respondent No.1 has to refund the amount of compensation alongwith accrued interest.

4. In view of the above circumstances, respondent No.1 is permitted to withdraw the entire compensation amount alongwith accrued interest on usual undertaking on due identification and verification.

5. The Reference Court is directed to disburse the amount of compensation alongwith accrued interest, after accepting the undertaking to the extent that on reversal of the judgment of this Court, the respondent No.1 has to refund the amount of compensation, as per the direction of this Court.

6. The civil application is disposed of.

JUDGE.