

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

CIVIL APPLICATION (CAF) NO. 1271/2023 IN
FIRST APPEAL NO. 1020/2017

VIDC Thr. E.E. Washim V/s Dipak D. Bhutada and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms U.A. Patil, advocate for the appellant.

Mr Amol Darekar, advocate for the respondent No.1.

Mr K.L. Dharmadhikari, AGP for the respondent No. 2.

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

1. By this application, respondent No.1/claimant seeks withdrawal of the amount of compensation.
2. As per order of this Court dated 13.2.2018, respondent No.1/claimant was permitted to withdraw 50% of the amount deposited in this Court.
3. Learned advocate Mrs. U.A.Patil for the appellant opposes the application and submits that the Reference Court had awarded compensation at exorbitant rate and, therefore, the VIDC has challenged judgment and order impugned in the appeal. She submits that as the paper book has already been filed, the appeal can be disposed of finally.
4. Having heard learned advocate for parties and perused the application, I find that respondent No.1/claimant has no source of income he want to purchase the land.

5. In this view of the matter, for reasons stated in the application, the application is allowed. The respondent No.1/claimant is permitted to withdraw 25% of the remaining balance compensation amount on furnishing security/surety.

6. Learned counsel for respondent No.1/claimant undertakes that if the appeal filed by the VIDC succeeds, respondent No.1/claimant will refund the amount withdrawn by him.

7. The private paper-book is already filed on record. Place the matter for final hearing after Summer Vacation.

JUDGE