

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

FIRST APPEAL NO.201 OF 2022

(VI.D.C. Vs. Bhikusing Sanga Rathod and ors.)

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

Court's or Judge's Order

Mrs. U.A. Patil, Advocate for the appellant.
Shri M.M. Agnihotri, Advocate for respondent No.1.
Ms Udeshi, AGP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 11, 2023.

Heard.

2. **ADMIT.**

3. Shri Agnihotri, learned Counsel for respondent No.1 and Ms Udeshi, learned Assistant Government Pleader for respondent Nos.2 and 3, waive notice.

4. Call for R. & P

5. The appellant to file private paper book within ten weeks, after receipt of R. & P

6. Place the matter for final hearing after filing of paper book and its verification, as per its turn.

CIVIL APPLICATION NO.1374 OF 2022

Heard.

2. The application is for seeking permission for withdrawal of the amount which is deposited by the appellant.

3. As per the contention of respondent No.1 that the appellant has deposited the amount of compensation.

The applicant has already lost his land as well as source of income as the orange trees were standing on the acquired land. As the applicant has lost his source of income now he is in dire need of compensation amount and hence, the amount be disbursed to him.

4. Said application is strongly opposed by the appellant on the ground that the applicant has challenged the judgment and award as the compensation amount awarded is exorbitant and excessive one.

5. In view of the reasons mentioned in the application and considering the objection raised, it will be appropriate at this stage to permit respondent No.1 to withdraw 50% of the amount on usual undertaking and 25% of the amount on furnishing surety/security for the satisfaction of the Registrar (Judicial).

6. The amount be disbursed on due identification and verification.

7. Civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*