

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

FIRST APPEAL NO.52 OF 2022

[Vidarbha Irrigation Development Corporation ..V/s.. Pandurang Shreeram
Mahalle and Ors.]

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

Court's or Judge's order

Mr K. P. Mahalle, Advocate for Appellant.

Mr P. Sagdeo, Adv. h/f Mr M. M. Agnihotri, Advocate for Respondent No.1.

Ms T. H. Udeshi, AGP for Respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 6th MARCH, 2023.

. By order dated 22.02.2023, respondent No.1 was permitted to withdraw 50% of the deposited amount on usual undertaking and 25% of the deposited amount on furnishing security. Inadvertently, Appeal No.22 of 2022 is mentioned in the order sheet, it should be corrected as FA NO.52/2022.

CIVIL APPLICATION (F) NO.2045 OF 2019.

2. By this application, applicant is seeking stay to the effect, operation, implementation and execution of the judgment and award passed by the Civil Judge Senior Division, Akola, in L.A.C. No.107 of 2005.

3. As amount is already deposited by the appellant – VIDC and claimant – respondent No.1 had already filed an application for withdrawal of the amount, the effect, operation, implementation and execution of the impugned judgment and award be stayed, till final disposal of the appeal.

4. Civil Application No.2045 of 2019 is disposed of.

CIVIL APPLICATION (F) NO.2789 OF 2022.

5. By this application, claimant - respondent No.1 seeks withdrawal of the amount.

6. Mr Sagdeo, holding for Mr Agnihotri, learned Advocate for the respondent No.1 submits that the land of the respondent No.1 is already acquired. Now, he has no source of income, and therefore, he is in need of money to meet his day to day expenses.

7. Mr Mahalle, learned Advocate for appellant has no objection for the same.

8. In this view of the matter, respondent No.1 is permitted to withdraw 50% of the deposited amount on usual undertaking and 25% of the deposited amount on furnishing surety/security. Amount be disbursed on due identification and verification.

9. Civil Application No.2789 of 2022 is disposed of.

CROSS OBJECTION NO.4 OF 2023.

10. Heard.

11. **Admit.**

12. Learned Assistant Government Pleader waives notice for respondent Nos.1 and 2 and Mr Mahalle, learned Advocate waives notice for respondent No.3 – VIDC.

13. Place the matter before the Court after three weeks.

JUDGE