

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

FIRST APPEAL NO. 537 OF 2022

VI.D.C. VS. KAMLAKAR GULABRAO MORE AND OTHERS

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri. A. M. Kukday, Advocate for appellant.
Shri. A. R. Patil, Advocate for respondent No.1.
Shri. K. L.Dharmadhikari, AGP for respondent Nos.2 & 3.

CORAM : SMT. M. S. JAWALKAR J.

DATE : 18/07/2023

CIVIL APPLICATION (F) NO. 1705 OF 2023

Present application is filed by respondent No.1 for permission to withdraw the compensation amount deposited by the appellant.

2. The interim relief granted by order dated 27/01/2023 was continued till further orders subject to deposit of entire compensation amount within eight weeks. However, the amount has not been deposited within prescribed period and stay was automatically vacated by the end of 24/03/2023 for non-compliance of order dated 27/01/2023. Then the appellant has deposited an amount of

Rs.50,29,439/- (Rupees Fifty Lakhs Twenty Nine Thousand Four Hundred and Thirty Nine only) vide C.C.D.R. No.30747 on 04/05/2023.

3. As the appellant has deposited the amount of compensation, there shall be stay to the effect, operation and execution of the impugned judgment and award dated 30/03/2021 during pendency of the present appeal.

4. For the reasons stated in the application, the present application is partly allowed. The present applicant/respondent No.1 is permitted to withdraw 50% of the total amount of compensation deposited along with accrued interest within **two weeks** on his furnishing usual undertaking to the effect that if the appellant would be successful, he will refund the amount as per final order of this appeal.

5. Nazir to disburse the amount as directed above in favour of respondent No.1 on his furnishing usual undertaking.

6. Application is disposed of.

JUDGE