

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

CIVIL APPLICATION (CAF) NO. 2093 OF 2023
IN
FIRST APPEAL NO. 544 OF 2019

V. I. D. C. THROUGH EXECUTIVE ENGINEER, BEMBLA PROJECT, AWADHOOTWADI AND ANR.

...VERSUS...

MADAN GULABRAO INGOLE 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. Mallika Babhulkar, Advocate h/f. Shri M.A.Kadu, Advocate for appellants.
Shri K.S.Narwade, Advocate for respondent no. 1/applicant.
Ms. T.H.Udeshi, AGP for respondent nos. 2 and 3.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 26th JULY, 2023

The respondent No.1 seeks withdrawal of amount deposited by the appellants in this Court.

2. As per contentions of respondent No.1, his land is acquired by the Government. So, he has no source of income and he is in dire need of financial assistance and therefore, he be permitted to withdraw the amount.

3. The said application is opposed by learned counsel for the appellants on the ground that the appellants had deposited the amount of Rs.17,99,279/- before the learned Reference Court, which has already been withdrawn by the claimant and the appellants have also deposited the amount of Rs. 32,73,691/- before this Court. Hence, the application deserves to be rejected.

4. Heard. Perused the application.

5. Considering submissions made by the claimant and objections raised by the appellants, it will be just and proper to permit the claimant to withdraw 50% of the amount so deposited in this Court, along with interest accrued thereon, on furnishing usual undertaking. The amount be disbursed on due verification and identification.

6. Accordingly, the application stands **disposed of**.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar