

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

CIVIL APPLICATION (CAF) NO. 1778/2022 IN
FIRST APPEAL NO.581 OF 2022

Exe. Engineer, Wan Proj. (Now Exe. Engineer, Jigaon Prj. Dam And
 Rehabilitation Div., Shegaon)

Vs

Supda Pandhari Wankhede And Others

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

Court's or Judge's Order

Mr Nikhil Waghmare, Advocate h/f Mr P.,B. Patil, Advocate for the
 appellant/applicant.

Mr R.P. Masurkar, Advocate for the respondent No.1.

Mr M.A. Kadu, Advocate for the respondent Nos. 2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/02/2023.

1. Heard.
2. By this application, the appellant has challenged the judgment and award passed in LAC No. 19/2018 by the learned Civil Judge, Senior Division, Buldhana.
3. Mr R.P. Masurkar, learned advocate for the respondent No.1 filed an application for withdrawal of the amount. Whereas learned advocate Mr Nikhil Waghmare h/f Mr P.B. Patil, submitted that in connected matter, this Court has permitted the respondents to withdraw the 50% of the amount and therefore, in the present matter also, the respondent No.1 be permitted to withdraw the 50% of the amount.

4. As per the contention of the learned advocate for the appellant that the appellant has challenged the order being it is exorbitant and excessive one. If entire amount is permitted to withdraw then it will be difficult for the appellant to recover the same.

5. On the contrary, learned advocate Mr R.P. Masurkar submitted that the respondent No.1 has already lost his land as it was compulsory acquired and therefore, he is entitled for the entire compensation amount.

6. Considering the controversy raised by the learned advocate for the appellant, it will be appropriate to permit the respondent No.1 to withdraw 50% of the amount on usual undertaking.

7. Respondent No.1 is permitted to withdraw 50% of the compensation amount along with accrued interest on due identification and verification.

Civil application No. 1778/2022 is disposed of.

JUDGE