



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

CIVIL APPLICATION NO. 2009 OF 2023 IN

FIRST APPEAL NO. 106 OF 2023

VIDC, through Executive Engineer, Laghu Patbhandare Vibhag, Wardha
.Vs.

Prakash Ruprao Deshmukh and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri H.D. Marathe, Advocate for appellant.

Shri C.R. Najbile, Advocate for respondent No.1.

Ms T.H. Udeshi, AGP for respondent No.2/State.

CORAM : G.A. SANAP, J.

DATE : 03/10/2023

Heard learned Advocate for the appellant, learned Advocate for the respondent No.1 and learned Advocate for respondent No.2.

2. This is an application by the respondent No.1/claimant seeking withdrawal of the amount of Rs.33,15,184/- (Rs. Thirty Three Lakhs Fifteen Thousand One Hundred and Eighty Four Only) deposited in the Reference Court and Rs.50,28,472/- (Rs. Fifty Lakhs Twenty Eight Thousand Four Hundred and Seventy Two only) deposited in this Court alongwith accrued interest.

3. Learned Advocate for the respondent No.1/claimant submitted that the stay to the execution of the award has been granted by this Court, subject to deposit of the entire decretal amount.

4. Learned Advocate for the appellant submitted that for the time being, the respondent No.1/claimant may be allowed to withdraw 50% amount on usual undertaking and 50% of amount by furnishing solvent surety.

5. On going through the record, I am of the view that the respondent No.1, who is the land loser, cannot be deprived the use of amount in terms of the award. In the facts and circumstances, the respondent No.1/claimant is permitted to withdraw the entire amount of Rs.33,15,184/- (Rs. Thirty Three Lakhs Fifteen Thousand One Hundred and Eighty Four Only) deposited in the Reference Court and Rs.50,28,472/- (Rs. Fifty Lakhs Twenty Eight Thousand Four Hundred and Seventy Two only) deposited by the appellant in this Court along with interest. Out of the total amount referred above, 50% of the amount shall be withdrawn, subject to furnishing an usual undertaking by the respondent No.1/claimant and 50% of the amount by furnishing solvent surety.

6. The application stands disposed of.

(G. A. SANAP, J.)