

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

CIVIL APPLICATION (CAF) NO. 2936/2022 IN
FIRST APPEAL NO.10/2021

V. I. D. C. Through E.E., Purna Medium Project Achalpur Division, Amravati

Vs

Habib Shah Hanif Shah And 2 Others

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

Court's or Judge's Order

Mr A.M. Kukday, Advocate for the appellant.

Mr R.J. Shinde, Advocate for the respondent No. 1.

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

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/02/2023.

1. Heard.
2. By preferring this civil application, the respondent No.1/original claimants are seeking withdrawal of the amount on the ground that, their land is already acquired by the Government Authority, and they have no source of income. Though, this Court had permitted to withdraw the 50% of the amount, still they are in need of money, as the respondent No.1 is old age person and suffering from various ailments.
3. The said application is strongly opposed by the appellant on the ground that, the appellant has challenged the award, on the ground that compensation is awarded at exorbitant rate and therefore, the application deserves to be rejected.

4. Heard both the sides.
5. Perused the application. By order dated 09/03/2021, the respondent No.1/claimant is permitted to withdraw 50% of the amount. However, considering the award is challenged by the acquiring body being it is awarded at higher rate the respondent No.1 is permitted only to withdraw the 50% of the amount. Admittedly, the respondent No.1 has lost their source of income.
6. Considering the reasons mentioned in the application as well as submission made by the appellant, the respondent No.1 is further permitted to withdraw 25% of the balance amount along with accrued interest on furnishing usual undertaking.
7. The amount be disbursed after due identification and on the satisfaction of the Registrar (Judicial).

Civil application No. 2936/2022 is disposed of.

JUDGE