

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

CAF NO.2116/2022 AND FA NO.313/2019

VIDC, Yavatmal

..VS..

Vinay Gulabrao Ingole and ors

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

Court's or Judge's Order

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Shri K.S.Narwade, Counsel for the Applicant/R-1.
Shri M.A.Kadu, Counsel for the Appellant.
Mrs.Shamsi Haider, AGP for R-2 & 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 09/02/2023

1. Respondent No.1 seeks withdrawal of amount deposited by the appellant in this Court as well as in the Court of learned Civil Judge Senior Division at Yavatmal.

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 appellant on the ground that the appellant has deposited amount Rs.15,02,424/- before the Reference court which has already been withdrawn by the claimant and the appellant has also deposited amount Rs.27,26,899/- before this Court. Hence, the application deserves to be rejected.

4. Heard and perused the application.

5. Considering submissions made by the claimant and

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

6. The application is **disposed** of.
7. Place the appeal for final hearing after six weeks.

(URMILA JOSHI-PHALKE, J.)

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