

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

CIVIL APPLICATION (CAF) NO. 2494 OF 2022

IN

FIRST APPEAL NO. 463 OF 2022

IN

LAC NO. 407 OF 1997

Maharashtra Industrial Development Corporation, Amravati

Vs.

Santoshkumar s/o Nanvalkishorji Kothari and Ors.

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

Court's or Judge's Orders.

Mr. M.M. Agnihotri, Advocate for applicant.
Mr. M.G. Sarda, Advocate for respondent Nos.1 to 3.
Ms. Mayuri Deshmukh, APP for respondent No.4.

**CORAM : VINAY JOSHI, AND
VALMIKI SA MENEZES, JJ.**

DATE : 25.01.2023.

This is an application filed by respondents(claimants) seeking withdrawal of amount deposited by appellant in pursuance of land acquisition awards.

2. The application is resisted by acquiring body on the count that the reference Court has awarded exorbitant compensation and thus, it is not desirable to permit entire withdrawal. It is submitted that the applicant has fair chance to succeed in the appeal.

3. On the other hand, learned counsel for the applicant would submit that the reference Court has properly assessed the material and this Court has permitted in like petition entire withdrawal.

4. Considering the submissions, as well as the reasons assigned by the reference Court at present, respondents (claimants) Nos.1 to 3 are permitted to withdraw 50% of the deposited amount on usual undertaking and 25% on furnishing solvent surety to the satisfaction of Registry of this Court.

5. As per respondents' request the amount be disbursed in equal share to respondent Nos.2 and 3 only as respondent No.1 has assigned his rights in favour of respondent Nos.2 and 3.

6. Application stands disposed of.

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Applicant is permitted to file a private paper-book.

JUDGE

JUDGE