



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

CIVIL APPLICATION (CAF) NO. 3211 OF 2023

(VIDC through its Executive Engineer, Medium and Minor Irrigation
division Achalpur....Versus.... Deepak s/o. Laxminarayanji Agrawal and
others)

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

Court's or Judge's Order

Ms. A Athaley, advocate for appellant.

Mr. R.J. Shinde, advocate for respondent no. 1.

Mr. S. Joshi, AGP for respondent Nos. 2 and 3.

CORAM : ANIL S. KILOR, J.

DATED : 19th OCTOBER, 2023.

This is an application for permission to withdraw the balance amount of compensation lying in the registry. The 50% amount has already been withdrawn by claimant - respondent No. 1 in pursuance to the order dated 29.11.2022. While allowing the respondent No. 1 to withdraw the amount, he was asked to give usual undertaking.

2. In the present application, a prayer is made for withdrawal of remaining 50% amount of compensation by furnishing usual undertaking.

3. The learned counsel for acquiring body has strongly opposed the application. She submits that the amount granted by the reference Court is exorbitant.

4. Considering the above referred facts, I am of the opinion that the applicant shall be permitted to withdraw the amount with certain conditions. Accordingly, the application is allowed. The applicant-claimant is permitted to withdraw remaining amount subject to furnishing surety to the satisfaction of the Registrar of this Court. The applicant shall file an affidavit stating therein that if the applicant-claimant fails in the present matter, he would deposit back the amount of compensation in the Court within eight weeks from the date of such order.

FIRST APPEAL NO. 476 OF 2022

The appellant is directed to file private paper book within two weeks.

[ANIL S. KILOR, J.]