



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

C.A.O. NO.1075/2024 IN C.A.F. NO. 1872/2021 IN FIRST APPEAL NO. 530/2021

(VI.D.C., YAVATMAL **VERSUS** NILESH SHARAD NAHATE & OTHERS)

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

Court's or Judge's order

Shri Vinay Dahat, counsel for the appellant.
Shri P.J. Mehta, counsel for the respondent no.1/applicant.
Shri A.M. Kadukar, Assistant Government Pleader for the respondent no.2.

CORAM : NITIN W. SAMBRE, J.

DATE : SEPTEMBER 03, 2024

Heard learned counsel for the parties.

2. Prayer is for modification of the order dated September 21, 2021. The first appeal is admitted and is pending for final hearing.
3. The applicant is already permitted to withdraw 50% of the amount of compensation upon furnishing an undertaking that if any adverse order is passed, the applicant/respondent no.1 shall re-deposit the same as shall be directed. The balance 50% of the compensation was permitted to be withdrawn on furnishing solvent surety.
4. The contention is, the applicant being land owner, should be permitted to withdraw the 50% of the amount as has been allowed vide order dated September 21, 2021 on furnishing an undertaking instead of furnishing solvent surety. The similar orders are already governing the proceedings between the acquiring body and other land owners.
5. In that view of the matter, the order dated September 21, 2021 stands modified and the applicant/respondent no.1 is permitted to withdraw balance 50% of the amount alongwith accrued interest on furnishing an undertaking that in case the first appeal is allowed, the applicant/respondent no.1 shall re-deposit the amount alongwith accrued interest as shall be directed by the Court.
6. The civil application is allowed in aforesaid terms and disposed of.

(NITIN W. SAMBRE, J.)