



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

CIVIL APPLICATION (F) NO.399 OF 2025
IN
FIRST APPEAL NO.597 OF 2022

(VIDC, thr. its Executive Engineer, Irrigation Department, Tah. & Dist. Amravati Vs.
Narendrakumar G. Agrawal and others)

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

Court's or Judge's orders.

Mr. M. A. Kadu, Advocate for Appellant/Applicant.
Mr. R. D. Dhande, Advocate for Respondent Nos.1 & 2.
Ms. M. R. Kavimandan, AGP for Respondent Nos.3 & 4/State.

CORAM: ROHIT W. JOSHI, J.
DATE: 7th FEBRUARY, 2025.

1. The present application is moved seeking permission to withdraw the amount deposited by the appellant with this Court as a condition for stay till execution of the impugned judgment and award. The learned counsel for the respondent nos.1 and 2 submits that the enhancement is granted by the learned Reference Court based on earlier judgment delivered in Land Acquisition Case No.1/2009. He submits that the learned Reference Court was therefore, completely justified in granting the enhancement. He states that the appeal is without any merit and therefore, the entire amount that has been deposited should be permitted to be withdrawn. Per contra, the learned counsel for the appellant states that the judgment in Land Acquisition Case No.1/2009 is assailed before this Court in first appeal which is pending

for adjudication. He, therefore, states that the ground that the impugned judgment and award are passed based on earlier judgment may not be available to the appellant in the present appeal, for seeking withdrawal of amount.

2. I have perused the judgment with the assistance of the learned counsel along with for the appellant. In my considered opinion, interest of justice would be subserved by permitting the respondent nos.1 and 2 to withdraw 75% amount along with accrued interest, 50% amount be disbursed on usual undertaking and 25% amount be disbursed on furnishing surety.

3. Civil application stands disposed of accordingly.

(ROHIT W. JOSHI, J.)