



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

CIVIL APPLICATION (CAF) NO. 1235 OF 2022

IN

FIRST APPEAL NO. 506 OF 2021

The Executive Engineer, Patbandhare Vibhag, Akola
..VS..

Shri Nandlal S/o Kanhaiyyalal 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. T. M. Mirza, Advocate for appellant.

Mr. Harish Dangre, Advocate with Rohan Malviya, Advocate for
respondent Nos.1 and 2/applicants.

Mr. A. M. Kadukar, AGP for respondent No.3/State.

CORAM : SMT. M.S. JAWALKAR, AND
RAJ D. WAKODE, JJ.

DATED : 19th SEPTEMBER, 2025

1. Heard.
2. The present application is filed by respondent Nos.1 and 2 for grant of permission to withdrawal of additional amount of compensation.
3. In the present appeal challenging the Judgment and Award dated 28/07/2020 passed in L.A.C. No.01/2015 by the learned Civil Judge, Senior Division, Akola. The Appeal is admitted on 26/02/2021 and stay was granted subject to deposit of 50% of decretal amount. The appellant calculated the 50% decretal amount of Rs.4,24,71,904. This Court allowed the respondent Nos.1 and 2 to withdraw the

amount vide order dated 25/11/2021 of Rs.50,00,000/- on furnishing an undertaking and Rs.50,00,000/- against the solvent security to the satisfaction of the reference Court.

4. It is contention of the respondent Nos.1 and 2 that when the order came to be passed, inadvertently certain documents which demonstrate existence of 1900 teak trees could not be pointed out. It is submitted that respondent Nos.1 and 2 availed the loan of Rs.60,00,000/- from the Akola Urban Cooperative Bank Ltd., Akola which was advanced by the Bank only because of existence of the teak trees.

5. The learned Counsel for the appellant submitted that they have deposited Rs.4,24,71,904/-, in that situation if the appellant succeeds in the appeal, the amount so deposited is more than the amount which is claimed, therefore, at this juncture, we do not see any impediment to allow the respondent Nos.1 and 2 to withdraw the 50% of the balance amount laying in the reference Court. As such, we pass the following order :

- (i) The Civil Application is partly allowed.
- (ii) The respondent Nos.1 and 2 is permitted to withdraw the 50% of balance amount laying in the Reference Court, out of that 25% of amount shall be allowed to withdraw on furnishing usual undertaking and 25%

of amount on furnishing solvent security to the satisfaction of the Reference Court.

6. The Civil Application stands **disposed of**.

FIRST APPEAL NO. 506 OF 2021

7. List the matter for final hearing on **09/10/2025 at 02.30 pm**.

8. The respondent Nos.1 and 2 are at liberty to move the application for withdrawal of amount, if contingency arises.

9. Parties are directed to place on record their calculations and exchange the same in advance.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)