



27.caf.30.2025 in fa.863.2023.odt

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

CIVIL APPLICATION (CAF) NO. 30 OF 2025

IN

FIRST APPEAL NO. 863 OF 2023

(VIDC V/s Kundatai Vinayak Gawande & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Vinay Dahat, Advocate h/f Mr. J. B. Kasat,
Advocate for Appellant.

Mr. P. L. Rathi, Advocate for Respondent Nos.1 to 6.

Mr. M. A. Kadu, AGP for Respondents/State.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : JANUARY 07, 2025.

. Heard rival submissions.

2. The present Application is filed by the Respondent Nos.1 to 6, who are the Original Claimants for withdrawal of entire compensation amount of Rs.62,10,010/- along with the accrued interest thereon. However, the learned Counsel for Appellant/Acquiring body pointed out that in other similar matters, this Court has granted withdrawal of 75% amount of the compensation i.e. 50% amount on usual undertaking and 25% amount on furnishing solvent security/surety. He submitted that same order can be passed in the present matter also.

3. In view of the same, the present Application is allowed partially and the Respondent Nos.1 to 6/Claimants are permitted to withdraw 75% amount of the compensation

deposited by the Acquiring Body i.e. 50% amount on usual undertaking and 25% amount on furnishing solvent security/surety to the satisfaction of the Registrar (Judicial) of this Court.

4. The remaining amount be invested in FDR during the pendency of this Appeal on its periodical renewal after one year.

5. The prayers for permission to Respondent No.2 to verify the documents of other Respondents/Claimants and for depositing the shares of other Respondents/Claimants in the account of Respondent No.2 are rejected.

6. The Civil Application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)