



11.caf.442.2025 in fa.321.2024.odt

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

**CIVIL APPLICATION (CAF) NO. 442 OF 2025**

**IN**

**FIRST APPEAL NO. 321 OF 2024**

**(VIDC, Achalpur V/s Kalpana Suresh Gawande & Ors.)**

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| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Ms. T. N. Thombre, Advocate for Appellant.  
Mr. A. P. Deshmukh, Advocate for Respondent Nos.1 to 3.  
Ms. M. R. Kavimandan, AGP for Respondent Nos.4 and 5/State.

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**CORAM : ROHIT W. JOSHI, J.**  
**DATE : FEBRUARY 11, 2025.**

. The present Application is moved by the Respondent Nos.1 to 3/Original Claimants, seeking permission to withdraw the amount deposited by the Appellant with this Court, pursuant to the order, granting stay to the execution of the land acquisition Award.

2. The learned Counsel for Respondent Nos.1 to 3 states that this Court has, vide order dated 2/12/2024 passed in Civil Application (CAF) No. 3477/2024 in First Appeal No. 836/2023 permitted the Respondent Nos.1 to 3/Claimants to withdraw 75% of the amount and further that the lands in both the matters are located in the same village and are acquired for the same project. The learned Counsel for Appellant does not dispute the statement made by the learned Counsel for Respondent Nos.1 to 3.

3. In view of the aforesaid, Respondent Nos.1 to 3 are permitted to withdraw 75% of the amount deposited by the Appellant with this Court along with accrued interest. 50% of the amount is permitted to be withdrawn on furnishing usual undertaking and 25% amount is permitted to be withdrawn on furnishing solvent surety/security.

4. The learned Counsel for Respondent Nos.1 to 3 states that the Respondent Nos.1 and 2 have executed Special Power of Attorney dated 21/1/2025 in favour of the Respondent No.3, enabling her to withdraw the amount for and on their behalf.

5. The Respondent No.3 shall act for and on behalf of the Respondent Nos.1 and 2 on the basis of Power of Attorney to complete formality regarding withdrawal. However, the amount will be remitted in equal proportions to the Respondent Nos.1 to 3.

6. Civil Application stands disposed of accordingly.

**(ROHIT W. JOSHI, J.)**