



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

CIVIL APPLICATION (CAF) NO. 235 OF 2026

IN

FIRST APPEAL ST. NO. 22485 OF 2024

(FIRST APPEAL NO. 169 OF 2026)

THE DEPUTY CHIEF ENGINEER (CONSTRUCTION) CENTRAL RAILWAY, NAGPUR

Vrs.

SHRI PRABHAKAR S/O NILKANTHRAO DESHMUKH AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V. M. Gadkari, Advocate for appellant.
Ms. Punam Pisurde, Advocate for respondent Nos.1 and 2.
Shri H. D. Dubey, AGP for respondent Nos.3 and 4.

CORAM: Y. G. KHOBRAGADE, J.

DATE : 07/05/2026.

1. Heard Shri Gadkari, learned counsel appearing for the appellant, Ms. Pisurde, learned counsel appearing for non-applicant Nos.1 and 2 and Shri H. D. Dubey, learned AGP for non-applicant Nos.3 and 4.

2. By this application, the non-applicant Nos.1 and 2/land owners are seeking permission to withdraw the entire amount of compensation under the judgment and award dated 06/12/2019 passed in LAC No.17/2015 by the learned Joint Civil Judge, Senior Division, Wardha deposited by the appellant before this Court with accrued interest.

3. Learned counsel appearing for the appellant strongly objected the application on ground that if the non-applicants are permitted to withdraw entire amount of compensation, in that event, it will not be possible to recover the said amount against the non-applicant Nos.1 and 2, if the impugned judgment and award is reversed or modified.

4. However, considering the fact that the appellant / Acquiring Body has acquired the land of the non-applicant Nos.1 and 2 independently and under the impugned judgment and award, learned Trial Court determined the compensation of both the lands independently. So also, the appellant has deposited the entire amount of compensation with accrued interest as per the order dated 04/04/2025 passed by this Court.

5. Therefore, considering the nature of claim as well as to meet the financial need, it would be just and proper to permit the non-applicant Nos.1 and 2 to withdraw 50% of the compensation on furnishing usual undertaking and to withdraw 25% amount on furnishing solvent surety to the satisfaction of the Registrar (Judicial).

6. In view of above, civil application is allowed and disposed of.

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7. **Admit.**

8. Ms. Punam Pisurde, learned counsel waives notice for respondent Nos.1 and 2.

9. Shri H. D. Dubey, learned AGP waives notice for respondent Nos.3 and 4.

10. Call for Record and Proceedings.

11. The appellant shall file private paper book within twelve weeks.

[JUDGE]