

IN THE COURT OF CIVIL JUDGE (SR. DN.), UMRER

**LAC No.176/2015
State Vs. Sumanbai +6**

ORDER BELOW APPLICATION DT. 06/06/2018

(Passed on 27th day of July, 2018)

- 1] This is an application filed by non-applicant no.5 Shri Arvind Tukaram Sahare and others for withdrawal of compensation amount of Rs.1,75,112/- deposited about award bearing no.2/A-65/2004-05 of mouza Katara Dt.18/12/2009. It has been contended that the aforesaid amount is deposited in CCD no.932 of C.J.S.D., Nagpur on 05/01/2016. It is averred that as per award passed by L.A.O. present applicant no.5 with other share holders are legally entitled to receive said amount.
- 2] Perused the record. In view of the submission made by S.L.A.O., despite of receiving notice u/s 12(2) of The Land Acquisition Act, aforesaid non-applicant no.1 to 7 did not turn up to receive their respective shares of compensation. Accordingly vide CCD no.932 the L.A.O. has deposited compensation of Rs.23,91,359/- about the land of non-applicant no.1 to 7.
- 3] As per documents submitted by the L.A.O. present applicant no. 5 namely Arvind Tukaram Sahare and his other four family members are seen to be entitled for compensation amount of Rs.1,75,212/- for land survey no.94 area 0.55 H.R. of mouza Katara. It has been contended by the applicants that four of them have executed power of attorney in favour of applicant

their mother namely Shakuntala Tukaram Sahare, age 71 years for receiving aforesaid amount. Said power of attorney is at Exh.17/2. Through said document authority for receiving the amount is seems to have been given by other family members in favour of applicant Smt. Shakuntala Tukaram Sahare, age 71 years, R/o Shirpur, Tah. Umrer, Dist. Nagpur.

- 4] As per report submitted by Nazir C.J.S.D, Court Nagpur, an amount of Rs.23,91,359/- regarding L.A.C. no.176/2015 is pending for disbursement at CCD no.932 dt.05/01/2016.
- 5] Learned A.D.G.P. Shri W.M.Quazi submitted to pass suitable order. Hear even though applicant during their application claim the amount of Rs.1,75,112/-, however as per record submitted by L.A.O., applicants are seen to be entitled for Rs.1,75,212/-. Thus considering the material on record applicant Smt. Shakuntala Tukaram Sahare, age 71 years, R/o Shirpur, Tah. Umrer, Dist. Nagpur is seen to be entitled to receive the amount of Rs.1,75,212/- from the deposited amount of Rs.23,91,359/- deposited at CCD no.932 dt.05/01/2016 of C.J.S.D., Nagpur. Hence the order.

Order

- 1] The Nazir C.J.S.D., Court Nagpur on receiving proper identification and after verification to pay an amount of Rs.1,75,212/- (One Lakh Seventy Four Thousand Two Hundred Twelve Only) and any interest if payable from pending CCD amount Rs.23,91,359/- of CCD no.932 dt.05/01/2016 to present applicant namely Smt. Shakuntala Tukaram Sahare, age 71 years, R/o Shirpur,

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Tah. Umrer, Dist. Nagpur.

- 2] Issue letter to Nazir C.J.S.D, Nagpur for compliance.
- 3] The application stand disposed off accordingly.

Umrer.
Date : 27/07/2018

(S. K. Fokmare)
Civil Judge Senior Division,
Umrer.