

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

Civil Application No. 2559 of 2017
in

F.A.. 502 of 2015

(Vidarbha Irrigation Development Corpn, through its Executive Engineer Lower
Wardha Project Division Wardha Vs. Ku. Ranjana d/o. Pandurang Dahat and Ors.)

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

Court's or Judge's orders.

Shri. S.K.Bhojar, Advocate for Appellant.
Shri. C.A. Lonare, AGP for Respondent nos.3&4
Shri. Y.R. Kinkhede, Advocate for Intervener

CORAM : S.B.SHUKRE, J.

DATE : JULY 11, 2017.

Heard learned counsel for claimant who is respondent no. 2 and learned counsel for Appellant.

Learned counsel for the claimant has invited my attention to the order dated 10.3.2017 passed by this Court, whereby respondent no.1, the sister of the respondent no.2, has been permitted to withdraw an amount of Rs. 3 lac against usual undertaking.

Learned counsel appearing for the interveners, who are the mother and another sister of respondent no.2 and respondent no.1 now has drawn my attention to the order dated 23.12.2016 passed by this Court. By this order, the right of hearing to the interveners has been granted, but, their claim

as regard equal share in the compensation amount has been left to be decided at the time of final hearing. Learned counsel for the interveners submits that, if at all this application is to be allowed, some amount should be left for the interveners. It appears to me that, when this Court passed an order on 10.3.2017 in favour of respondent no. 1, the learned counsel for the interveners did not bring to the notice of this Court, the order passed earlier by this Court on 23.12.2016 and had this order been brought to the notice of the Court at that time, the submission now made on behalf of the interveners would have been appropriately dealt with by this Court at the that time itself. Be that as it may, now what remains for this Court is to ensure protection of the interest of the interveners, in case, it is found that they too have some right in the amount of compensation. But, that should not result in rejection altogether of this application for the simple reason that similarly situated respondent no. 1 has been allowed to withdraw an amount of Rs. 3 lac.

In the result, this application is allowed.

Respondent no.2 just as respondent no.1, is also permitted to withdraw an amount of Rs. 3 lac out of total amount deposited in this Court subject to his giving undertaking to this Court within four weeks from the date of

order to the effect in case any adverse orders is passed or any order in favour of the intervener is passed, the respondent no. 2 shall make good whatever he is directed to pay back to the appellant or the interveners, with such interest as may be given by the Court at the time of final disposal of the appeal.

Application is accordingly disposed of.

JUDGE