

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

CIVIL APPLICATION NO.4217 OF 2017 IN FIRST APPEAL ST.NO.690 OF 2013
(State of Maharashtra and another vs. Ramesh Baliram Valokar and another)

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

Shri S.C. Mehadia, Advocate for applicants/respondents.
Shri K.R. Luley, Assistant Government Pleader for
appellants.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 13, 2017

This application is filed by respondents/
original claimants for withdrawal of entire decretal
amount of Rs.15,81,398/- along with interest accrued
thereon.

Heard Shri Mehadia, learned Counsel for
applicants/respondents and Shri Luley, learned Assistant
Government Pleader for respondents.

This application arises out of aforesaid first
appeal wherein challenge is to judgment and decree
dated 27/4/2011 passed by learned 2nd Joint Civil Judge,
Senior Division, Akola in L.A. Case No. 95/2000. The
appellants have deposited entire decretal amount as per
direction of this Court.

Shri Mehadia, learned Counsel for
applicants, has contended that after acquisition of land
of applicants, their main source of income is hampered
as their only source of income was of cultivating the
land. It is submitted that applicants are in dire need of

financial assistance for welfare and education of their children. It is further submitted that in fact in the execution proceedings initiated, amount claimed is about Rs.16 lakhs.

Having considered facts as aforesaid, application is liable to be allowed as per order below :

Applicants/respondents nos.1 and 2 are allowed to withdraw half of the amount of Rs.15,81,398/- with interest accrued thereon by submitting usual undertaking before Registrar (Judicial) and balance amount with interest accrued thereon shall be allowed to be withdrawn on furnishing surety to the satisfaction of Registrar (Judicial).

The civil application is disposed of as allowed.

JUDGE

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