

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

**CIVIL APPLICATION (CAF) NO.381/2019**

**IN**  
**FIRST APPEAL NO.1243/2016**

**Vidarbha Irrigation Development Corporation, through its Executive Engineer,**  
**Purna Medium Project Division, Achalpur**

**...Versus...**

**Shri Sahdeorao s/o Bhagwantrao Ingole, since dead through L.Rs.**  
**Smt. Suryakantabai @ Kantabai Ingole and others**

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

Shri Vinay Dahat, Counsel for appellant  
Shri R.J. Shinde, Counsel for respondent nos.1 to 3/applicants  
Shri S.D. Sirpurkar, AGP for respondent nos.4 and 5

**CORAM : ARUN D. UPADHYE, J.**  
**DATE : 28/01/2019**

Heard.

This is an application filed by the legal representatives of the respondent no.1 to withdraw the amount deposited by the appellant.

The learned Counsel for the applicants/legal representatives of the respondent no.1 has submitted that already permission was granted to the respondent no.1 for withdrawal of the amount deposited by the appellant. However, during the pendency of the appeal, the respondent

no.1 is reported to be dead and therefore, the legal representatives of the respondent no.1 be permitted to withdraw the said amount. The legal representatives of the respondent no.1 are already brought on record.

Having heard the learned Counsel for the parties and having gone through the record, the applicants/legal representatives of the respondent no.1 could be permitted to withdraw the amount deposited by the appellant. Hence, I proceed to pass the following order.

### **ORDER**

- (i) The civil application is allowed.
- (ii) The applicants/respondent nos.1 (a) to 1 (e) are permitted to withdraw the amount deposited by the appellant, as per order dated 25/11/2016 passed by this Court, along with other respondents.

No order as to costs.

**JUDGE**