

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

CIVIL APPLICATION (CAF) NO. 1442 OF 2019
IN
FIRST APPEAL NO. 251 OF 2016 (D)

The Executive Engineer, Minor Irrigation Division, V.I.D.C., Chandrapur.

..vs..

Punjaram Vithoba Pimpalshende (dead) 1] Dayamanti Punjaram Pimpalshende and ors.

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

Court's or Judge's orders

Ms. Kirti Satpute, Adv. for applicant/respondent nos. 1, 3 and 4.
Ms. T. Udeshi, A.G.P. for respondent no. 5.

CORAM : VINAY JOSHI, J.
DATED : 27th NOVEMBER, 2019

Heard.

This is an application for seeking permission to withdraw the compensation amount. It is submitted that the appeal filed by the acquiring body is already dismissed by this Court vide order dated 02.05.2018 passed in Civil Application no. 1284 of 2018. It reveals from the said order that since the controversy was covered in connected appeal, this Court has dismissed the existing appeal. In view of that, nothing remain, hence, respondents are legitimately entitle for refund of amount. It is brought to my notice that, respondent no. 2 is not co-operating for withdrawal.

This Court vide order dated 12.06.2019 has directed to credit the compensation amount in the joint account of respondent nos. 1 to 4. Since the respondent

no. 2 is not co-operating, the joint account cannot be opened.

Having regard to the said fact, this Court vide order dated 12.06.2019 itself has issued fresh notice to respondent no. 2, but despite service of notice twice, he is not coming forward. In view of that, respondent nos. 1, 3 and 4 are permitted to withdraw the compensation amount of their share.

Civil Application stands disposed accordingly.

JUDGE

Trupti