

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

Civil Application [CAO] No.99 of 2020
in
Civil Application [CAF] No.3651 of 2018
in
First Appeal No.98 of 2020

Vidarbha Irrigation Development Corporation & another
vs.
Pratibha Manoharrao Tayde (Dead), through L.Rs. & others

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

Court's or Judge's Orders

Shri V.A. Kothale, Advocate for the Applicants/Respondent No.1.
Shri M.A. Kadu, A.G.P. for the Non-Applicants/State.

CORAM : S.M. MODAK, J.
DATE : 8th SEPTEMBER, 2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

Already this Court as per the order dated 27/01/2020 has fixed up this appeal for final hearing after receipt of R&P. The R&P is received and the appellants have also filed private paper-book. The private paper-book is also emailed to learned Advocate Shri Kothale for respondent No.1. Today, he has expressed some difficulty for want of valuation report. Shri Kothale insisted for release of at least 50% of the amount. Ultimately, the Court has to balance in between the rights of the parties. So, today this Court feels that the application for withdrawal needs to be decided.

The appellants have deposited Rs.2,37,88,832/-. It includes the principal amount as

well as the interest. The appellants are opposing for release of the entire amount. I think, 25% of the amount can be released. Hence the order.

ORDER

- i. Registry is directed to release 25% of the amount of Rs.2,37,88,832/- to respondent Nos.1a to 1f on usual undertaking. The amount be disbursed in the name of respondent No.1b Vilas Tayde, who claims to be the Power of Attorney holder of rest of the respondents, i.e. legal heirs of respondent No.1.
- ii. Registry to verify this fact and do the needful.
- iii. The issue of returning the amount along with interest if decision will go against them, will be decided later on.
- iv. The application is disposed of

First Appeal No.98/2020 :

Today this Court has decided the civil application for releasing the decretal amount. The matter is fixed for final hearing on 14th September, 2020. If the matter is not heard within a period of six months, then the respondents are at liberty to ask for retaining of the further amount.

This order be communicated to the learned Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.