

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH, NAGPURCIVIL APPLICATION (S) NO. 280/2020INSECOND APPEAL NO.496/2019

{Vidarbha Irrigation Development Corporation vs.Smt. Anjanabai wd/o
Kachru Sindhimeshram and others }

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

Court's or Judge's order

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 Mr. U A. Gosavi, Advocate for the appellant / applicant
 Mr. S.VBhutada, Adv.for Respondent no.1
 Mr. Amit Chutke, AGP for respondent no.2
 Ms. Pooja Fulzele, Adv.for respondent no.3

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 25th February, 2021

1. The Respondent no.1-Anjanabai has filed the instant application seeking permission to withdraw the decretal amount deposited by the appellant-VIDC.

2. The respondent no.1 had filed Regular Civil Suit No.104/2012 seeking compensation of Rs. 3 lakhs from the original defendants on account of death of her son due to electrocution on coming into contact with 132 KV high tension line on the wall of Gosikhurd Dam. The trial Court dismissed the suit, however, the lower Appellate Court has set aside the order of the trial Court and passed the money decree for the amount of Rs. 5,28,600/- along with 7.5% interest jointly and severally from the original defendants.

3. While granting stay to the execution of the decree this Court has stayed the decree subject to the depositing 50% of the decretal amount with interest by the appellant/original

defendant no.3. In compliance of the said order, the appellant has deposited an amount of Rs.4,82,348/- with the Registry of this Court.

4. Now, the applicant/respondent no.1-Anjanabai has requested for withdrawal of the said amount on the ground that her son who was the only earning member in the family has died in the said incident and she is taking care of his family.

5. Learned Advocate for the appellant herein i.e. original defendants/non-applicants have opposed the said application. However in the interest of justice, the following order is passed :-

ORDER

The respondent no.1-Anjanabai is allowed to withdraw 50% of the amount deposited in this court by the appellant on furnishing usual undertaking before the Registrar (J) of this Court and the rest of the amount be invested in a nationalised bank initially for a period of three years.

Civil Application is accordingly allowed.

JUDGE

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