

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

Civil Application (CAF) No.799/2021
IN
First Appeal No.1407/2008 (D)

M.I.D.C. thr. its Manager, Yavatmal Vs. Smt. Shantabai Krushnaswami Ingle & Ors.

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

Court's or Judge's Orders

Shri Sharad Thakre, Advocate h/f Shri M.M. Agnihotri, Advocate for the Appellant.
 Ms. Prachi Joshi, Advocate for Respondent No.1.
 Shri M.A. Kadu, AGP for Respondent Nos.3 and 4.

CORAM : S.M. MODAK, J.

DATE : 7th MAY, 2021.

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

2. Heard both the sides.

3. The appellant has already deposited an amount of Rs.42,73,286/-. The respondents as mentioned above were permitted to withdraw certain amount. But, it is not clear whether they have withdrawn or not.

4. This Court has re-fixed the amount of compensation as per the judgment dated 24th April, 2018. The calculation, as per re-fixation, is filed by the appellant as per the Pursis Stamp No.03/2021. Accordingly, the contesting respondents are entitled to get Rs.24,13,159/-. This amount is not disputed by them. Rest of the amount is to be returned to the appellant. Hence, following direction is issued:-

DIRECTION

- a) Nazir is directed to transfer an amount of Rs.24,13,159/- along with accrued interest thereon in the bank account of respondent No.1 – Smt. Shantabai Krushnaswami Ingle on furnishing bank details.
- b) The amount be transferred to the bank account of respondent No.1 for herself as well as for respondent Nos.2(b), 2(c) and 2(d) on the basis of power of attorney executed by them on 3rd September, 2020.
- c) Personal identification is dispensed with.
- d) Nazir is directed to transfer the remaining amount out of Rs.42,73,286/- after deducting an amount of Rs.24,13,159/- along with accrued interest thereon to the appellant.
- e) Nazir is directed to verify whether respondents/claimants have withdrawn any amount earlier, if yes, then to deduct that amount and pay remaining amount to them.
- f) Nazir is directed to calculate the accrued interest on the share of the appellant as well as on the share of the above respondents and to transfer that amount also.
- g) The civil application is disposed of.

JUDGE