

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

CIVIL APPLICATION (CAF) NO.2005/2021 IN FA NO.396/2017 (D)
Vidarbha Irrigation Development Corporation, District Yavatmal

..VS..

Dattuji Nathuji Bhajbhujje and ors

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

Court's or Judge's Order

Shri R.D.Hajare, Counsel for Applicant/Respondent No.1.
Shri J.B.Kasat, Counsel for the Appellant.
Mrs.T.H.Udeshi, AGP for Respondent Nos.2 and 3.

CORAM : V.M.DESHPANDE, J.
DATED : OCTOBER 20, 2021

1. Heard.
2. This is an application for withdrawal of amount.
The application is filed in decided First Appeal No.396/2017.
The said application is filed by respondent No.1 Dattuji Nathuji Bhajbhujje. He is represented by learned counsel Shri R.D.Hajare. The appellant is represented by learned counsel Shri J.B.Kasat and respondent Nos.2 and 3/State of Maharashtra and the Special Land Acquisition Officer are represented by learned Assistant Government Pleader Mrs.T.H.Udeshi.
3. The first appeal was filed by VIDC, Yavatmal challenging judgment and decree dated 16.10.2014 passed by learned Civil Judge Senior Division, Yavatmal in Land Acquisition Case No.157/2006.

4. The first appeal filed by the VIDC was partly allowed by this Court (Coram : M.G.Giratkar, J.) on 5.3.2020.

5. It is an admitted position that on 26.4.2017 the VIDC deposited amount Rs.3,44,124/-. In view of allowing of the first appeal partly filed by the VIDC, there is no dispute amongst the VIDC as well as respondent No.1 that the VIDC has deposited excess amount Rs.1,07,736/-. It is also not disputed by the VIDC that the claimant is entitled to receive Rs.2,36,388/-.

6. In view of the aforesaid admitted position, this application can be disposed of with following direction:-

ORDER

(1) The civil application is allowed.

(2) Respondent No.1 Dattuji Nathuji Bhajbhujje is entitled to receive Rs.2,36,388/- along with interest from the amount deposited by the VIDC, Yavatmal before this Court.

(3) The VIDC, Yavatmal is entitled to receive back Rs.1,07,736/- along with interest from and out of total amount deposited by the VIDC before this Court.

The civil application stands disposed of accordingly.

JUDGE

!! BRW !!

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