

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

CIVIL APPLICATION (CAF) NO. 2049 OF 2021 IN
FIRST APPEAL NO. 436 OF 2017 DECIDED ON 12/02/2020

VIDC Vs. Hanuman Kakde and others

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

Court's or Judge's orders.

Mr. J.B. Kasat, Advocate for the applicant
Mr. A.B. Nakshane, Advocate for non-applicant No.1
Ms. Mayuri Deshmukh, AGP for the non-applicants No.2 and 3 - State

CORAM : V.M.DESHPANDE, J.

DATE : 18th NOVEMBER, 2021.

This is an application moved by the original respondent No.1 - claimant for withdrawal of the amount deposited by the appellant in this Court.

2. The appellant – Vidarbha Irrigation Development Corporation preferred an appeal before this Court, challenging the judgment and decree passed by the Reference Court granting compensation in favour of the claimants. The said appeal was registered as First Appeal No. 436 of 2017. During pendency of the said appeal, the Court directed the VIDC to deposit the entire decretal amount. Accordingly, the amount is deposited in this Court.

3. Shri Nakshane, learned counsel for the present applicant / claimant submitted that during the pendency of the appeal, the partial amount was allowed to be withdrawn by the Court and accordingly the said amount is withdrawn.

Shri J.B. Kasat, learned counsel is representing the original appellant – VIDC and Ms. Mayuri Deshmukh, learned AGP is representing the State.

4. It is pointed out by these three counsels before me that this Court (Coram : M.G. Giratkar, J.) on 12/02/2020, was pleased to dismiss the appeal filed on behalf of appellant – VIDC.

5. In the light of dismissal of the appeal filed on behalf of the VIDC, the original claimant has moved this application for withdrawal of remaining amount.

6. Shri Kasat, learned counsel for the appellant submitted that since the appeal is dismissed, the claimant is entitled to withdraw the remaining amount. Resultantly, I pass the following order.

ORDER

- i. The application is allowed.
 - ii. The applicant / claimant – Hanuman Nathuji Kakde, is permitted to withdraw the remaining amount deposited by the appellant in the matter along with the accrued interest.
7. The application is disposed of.

JUDGE