

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

CIVIL APPLICATION (CAF) NO. 2247 OF 2021
IN FIRST APPEAL NO.304 OF 2020 (DECIDED ON 04/03/2020)

Dnyaneshwar Shingne Vs. Sub-Divisional Officer 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. K.S. Narwade, Advocate for the applicant
Mr. M.A. Kadu, AGP for the respondents No. 1 and 2 State

CORAM : V.M.DESHPANDE, J.

DATE : 18th NOVEMBER, 2021.

This is an application filed by the appellant for withdrawal of the amount deposited by the respondent No.3 – Vidarbha Irrigation Development Corporation in this Court.

2. First Appeal No. 304 of 2020 was filed by the appellant / claimant before this Court since the claimant was dissatisfied with the quantum of compensation given to him by the learned Judge of the Reference Court. The appeal was contested.

3. By judgment dated 04/03/2020, this Court (Coram : M.G. Giratkar, J.) partly allowed the appeal and directed the respondent to deposit the amount of compensation before this Court within time.

4. Shri Narwade, learned counsel is appearing on behalf of the applicant / appellant. Shri M.A. Kadu, learned AGP is appearing on behalf of respondents No.1 and 2. Though it was expected that the learned counsel for the VIDC should appear in the matter, he chose not to remain present in the Court nor there was any request on his behalf.

5. Be that as it may, this Court vide judgment dated 04/03/2020 has partly allowed the appeal and directed the respondent No.3 - VIDC to deposit the amount. According to the present application, which is on affidavit, it has been stated that in pursuance to the judgment, the respondent No.3 has deposited Rs.27,26,149/- in this Court on 27/08/2021 and amount is lying in this Court.

6. Since the appeal is allowed, the appellant is entitled to withdraw the amount deposited by respondent No.3 along with the interest accrued thereon. Resultantly, I pass the following order.

ORDER

- i. The application is allowed.
- ii. The appellant – Dnyaneshwar Ramrao Shingne is permitted to withdraw the amount deposited by the Vidarbha Irrigation Development Corporation along with the interest accrued thereon as per the directions of this Court dated 04/03/2020.

6. The application is allowed and disposed of.

JUDGE

MP Deshpande