

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

CIVIL APPLICATION (CAF) NO.166/2022
IN
FIRST APPEAL NO.70/2022

Vidarbha Irrigation Development Corporation, through its Executive Engineer,
Bembla Irrigation Division, Yavatmal and another
Vs.
Sau. Surekha Arunrao Kewte and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vinay Dahat, Adv. h/f Shri J.B. Kasat, Adv. for appellants.
Shri M.P. Kariya, Adv. h/f Shri V.D. Darne, Adv. for R Nos.1 & 2.
Shri A.M. Kadukar, AGP for respondent Nos.3 and 4.

CORAM : M.S. KARNIK, J.
DATED : 25/04/2022

This is an application by the claimants- respondent
Nos.1 and 2 for grant of permission to withdraw the amount
deposited by the appellant- Vidarbha Irrigation
Development Corporation.

2. Learned Counsel for the appellants submits that
before the reference Court, the appellants had deposited an
amount of Rs.1,57,705/-. The balance amount as per the
award has since been deposited in this Court which amounts
to Rs.2,13,434/-

3. I have considered the submission of learned
Counsel for the appellants who opposed the application.
Having regard to the findings rendered by the Reference

Court and the averments made in the application, I am of the opinion that the claimants can be permitted to withdraw the amount which has been deposited in this Court along with accrued interest, if any.

4. For the reasons mentioned in the application, the amounts deposited in this Court along with accrued interest is allowed to be withdraw.

5. Liberty to file a separate application for withdrawal of the amounts deposited before the Reference Court which obviously shall be considered on its own merits.

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1. Heard.

2. **Admit.**

3. Call for the record and proceedings.

4. Learned Counsel waives service for respondent Nos.1 and 2.

5. Shri A.M. Kadukar, learned AGP waives service for respondent Nos.3 and 4.

6. Private paper book to be filed within a period of six months from the receipt of this order.

[JUDGE]

R.S.Sahare

Signed By: RANJANA SAMEER
SAHARE

Signing Date: 25.04.2022 18:35