

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

CIVIL APPLICATION (CAF) NO. 89/2022 IN
FIRST APPEAL NO.362/2020

Vidarbha Irrigation Development Corporation, through its Executive Engineer, Minor
Irrigation Division, Yavatmal

Vs.

Madhukar S/o Shamrao Salve and others

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

Court's or Judge's orders

Shri Vinay Dahat, Advocate h/f Shri J.B. Kasat, Advocate for appellant
Shri S.V. Ingole, Advocate for respondent No.1
Shri S.A. Ashirgade, Add.G.P for respondent Nos. 2 & 3

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 20/07/2022

Present application is filed by the Counsel for respondent No.1 for withdrawal of amount. It is the contention of the applicant that after land is acquired the small portion of land is remained in possession of the applicants which cannot be fruitfully cultivated. As such they want to purchase another land to meet the expenses of the family. The principle amount is already withdrawn by the respondent No.1 which was deposited before the Reference Court. The appellant has deposited the total decretal amount i.e. 4,83,786/- excluding the principle amount. As substantial amount is already withdrawn, it would be appropriate to allow respondent No.1 to withdraw 50% of amount deposited before this Court by the appellant.

2. Accordingly, permission is granted to withdraw 50% of amount deposited by the appellant in this Court. The withdrawal will be subject to undertaking that if appellant will succeed in the appeal, the claimants will refund the amount as per final order which would be passed in present appeal.

(SMT. M.S. JAWALKAR, J.)

Jayashree..