

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

CIVIL APPLICATION (CAF) NO.3825/2019

IN

FIRST APPEAL ST. NO.2065/2019

Vidarbha Irrigation Development Corporation through its Executive Engineer
 Vs.

Sau. Chandrakanta Sukharam Kamble and others.

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

Court's or Judge's orders

 Ms Ashwini S. Athalye, Advocate for appellant
 Shri S.A. Ashirgade, Addl.G.P. for respondent Nos.2 & 3

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

DATED : 06/07/2022

The present application is filed for condonation of delay in filing First Appeal challenging the judgment and decree passed by the learned Joint Civil Judge, Senior Division, Yavatmal in Land Acquisition Case No.62/2013. There is no serious objection for condoning the delay.

2. For the reason stated in the application, the delay in filing First Appeal is hereby condoned.

3. Registry is directed to register the First Appeal.

CIVIL APPLICATION NO. 3826 of 2019

1. This is an application filed by the appellant for grant of stay.

2. In view of the order dated 02/12/2020, the appellant has deposited decretal amount of Rs.2,34,942/- in this Court. It is further submitted

that she has deposited Rs.2,91,301/- before the learned Reference Court. As such total decretal amount is deposited by her.

3. In view of above CAF No.3826/2019 is allowed.

4. There shall be stay during the pendency of appeal to the effect, execution and operation of the impugned judgment passed by the learned Civil Judge, Senior Division Yavatmal in L.A.C. No.62/2013.

5. Civil application is disposed of.

CIVIL APPLICATION (CAF) NO.1420/2022

The present application is filed for grant of permission to withdraw the entire decretal amount deposited by the appellant. It is submitted by the respondents that they have already withdrawn the principal amount before issuing notice by this Court and in view of the fact that amount of Rs.2,34,942/- is deposited in this Court, applicant is seeking permission to withdraw the said amount. The application is vehemently opposed by the appellant as principal amount is already withdrawn.

2. However for the reasons stated in the application, it would be appropriate to allow the respondents to withdraw 75% of amount with accrued interest deposited by the appellant subject to furnishing usual undertaking to the effect that if appellant succeeds, they will refund the amount as per final order which would be passed in the present appeal.

3. The application is allowed and disposed of accordingly.

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1. Heard.

2. **ADMIT.**

3. Learned A.G.P. waives service on behalf of respondent Nos.2 and 3.

JUDGE

R.S. Sahare