

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

CIVIL APPLICATION (CAS) NO.270/2022
IN
SECOND APPEAL NO. 317/2006 (D)

Shriram Mandir Deostan
Vs.
Atmaram s/o Maroti Karamore and others

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

Court's or Judge's orders

Shri D.R. Khapre, Advocate for applicant

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 07/10/2022

Heard learned Counsel for appellant.

2. None for the respondents though served.
3. It appears that Second Appeal No.317/2006 is disposed of by modifying the order of 3rd Ad-hoc Additional District Judge, Wardha thereby directing the respondent nos.1 to 3 to pay Rs.12,000/- per year towards damages to the plaintiff/Public Trust for the period of 1995-1996, 1996-1997 and 1997-1998.
4. Accordingly, this Court vide order dated 06/06/2022 allowed to withdraw Rs.36,000/- out of amount of Rs.67,500/-. However, by way of further order, this Court also permitted to withdraw balance amount and it was directed that, that will be adjusted in the amount, if any, granted toward the quantum of future mesne profit after inquiry by the competent Court and in case of any balance amount after

adjusting of future mesne profit, the same shall be paid to the respondents. As such by the said order itself, remaining amount was also allowed to withdraw and that amount was directed to be adjusted in future mesne profit.

5. As such, appellants are permitted to withdraw the balance amount along with accrued interest.

6. The Registry is directed to disburse the amount along with accrued interest in favour of the applicant.

7. The application stands disposed of accordingly.

JUDGE

R.S. Sahare