

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

CIVIL APPLICATION (CAF) NO.963/2022

IN

FIRST APPEAL NO.1009/2007

The executive Engineer, Bembla Project, Vidarbha Irrigation Development Corporation, Yavatmal
 Vs.

Ashok Waman Kumbharkhane 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 Malika Babhulkar, Adv. h/f Shri M.A. Kadu, Adv. for appellant
 Ms H.N. Jaipurkar, AGP for respondent Nos.2 & 3

CORAM : SMT. M.S. Jawalkar, J.
DATED : 12/08/2022

Heard.

2. By this application the applicant prayed for speaking to minutes. It is pointed out that present respondent No.1 allowed to withdraw the total amount deposited by the appellant. In fact, as per calculations placed on record by the pursis No.05/2022 the appellant is entitled to withdraw the amount of Rs.1,38,146/-.The total amount to which claimant is entitled i.e. Rs.10,03,657/-. He has already withdrawn the amount of Rs.8,65,511/-. The amount deposited by the appellant is Rs.11,54,015/- out of which the claimant is entitled for Rs.10,03,657/- and the appellant is therefore entitled for refund of amount of Rs.1,50,358/-.

3. There is no dispute between appellant and respondent about this calculations.

4. Accordingly, the order dated 24/03/2011 in Civil Application (CAF) NO.297/2022 is modified. Clause (3) of the order is substituted as follows:

“(3) Since the appellant has already withdrawn the amount of Rs.8,65,511/- (Eight Lakh Sixty Five Thousand Five Hundred Eleven) out of the compensation for which applicant-respondent is entitled, the applicant-respondent is allowed to withdraw the amount of Rs.1,38,146/- (One Lakh Thirty Eight Thousand One Hundred Forty Six) (10,03,657 - 8,65,511) along with accrued interest and amount of Rs.1,50,358/- (One Lakh Fifty Thousand Three Hundred Fifty Eight) along with accrued interest to be refunded to the appellant herein”

5. The Nazar to take appropriate steps.
6. The application is disposed of accordingly.

JUDGE

R.S. Sahare