

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

CIVIL APPLICATION (CAF) NO. 1600/2022
IN
FIRST APPEAL NO.478/2021

Vidarbha Irrigation Development Corporation, Nagpur through its Executive Engineer
and another

Vs.

Gunwantrao S/o Kashiraoji Burghate 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 V.V. Dahat, Advocate for appellant
Shri R.J. Shinde, Advocate for respondent No.1
Shri S.A. Ashirgade, Addl.G.P for respondent Nos.2 & 3

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

DATE : 20/07/2022

Present application is filed for modification of order dated 19/04/2022. It appears that this Court vide order dated 21/08/2021 in Civil Application No. 1549/2021 allowed to withdraw 75% of the decretal amount along with interest on furnishing usual undertaking. The claimants again moved application for withdrawal of remaining amount. Vide application No.897/2022, wherein it was prayed to allow them to withdraw the balance amount deposited in this Court as well as principle amount of Rs.4,35,235/- deposited by the appellant herein with the Reference Court i.e. Civil Judge, Senior Division, Achalpur. On 19/04/2022 the said

application came to be disposed of and 50% of the compensation amount with accrued interest was allowed to be withdrawn. It is the contention of the applicant that 50% is error, it ought be 25% as 75% is already withdrawn.

2. I have perused the order and copy of application produced by claimant of Civil Application No.897/2022. If prayer in the application is perused it is for withdrawal of balance amount. However, Court granted permission to withdraw 50% of the amount.

3. In view thereof, order is only in respect of balance amount lying in the Court. Hence, no modification is required therein. The respondent/claimants are entitled to withdraw 50% of balance amount deposited in this Court

4. The application is rejected. The applicant is entitled as per 19/04/2022, 50% of balance amount.

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

Jayashree..