

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

CIVIL APPLICATION (CAF) NO. 1620 OF 2021
IN
FIRST APPEAL NO. 642 OF 2013

VIDC thr. its Executive Engineer, Bembla Project Division, Yawatmal

...VERSUS...

Sahebrao Nanaji Parimal and ors.

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

Court's or Judge's order

Shri Vinay Dahat, Advocate for appellant.
Shri A.B.Nakshane, Advocate for respondent no. 1/applicant.
Shri S.A.Aashirgade, Advocate for respondent nos. 2 and 3.

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

DATE : 22th JULY, 2022.

There is an error in mentioning the figure.

2. Leave is granted to the applicant to correct the figure as Rs. 3,44,394/- instead of Rs. 3,44,894/-. Necessary amendment to be carried out within two days.

3. The present application is filed by respondent no. 1/claimant for allowing him to withdraw the amount of Rs. 3,44,394/-.

4. The appeal was partly allowed by this Court vide judgment 28/03/2019 in First Appeal No. 642 of 2013. After disposal of matter, the respective calculations were submitted by both the parties. Thereafter, in the present matter, the appellant had to deposit the total amount of Rs. 8,22,009/-. Out of that amount, the respondent no. 1 was permitted to withdraw an amount of Rs. 4,11,005/- by order dated 19/08/2014.

5. As per the calculations, the claimant/respondent no. 1 is entitled to receive an amount of Rs. 3,44,394/- along with accrued interest thereon and the remaining amount along with accrued interest is allowed to be withdrawn by the appellant i.e. Rs. 66,610/- along with interest. As such, the application is allowed.

6. The Registry is directed to transfer the amount of Rs. 3,44,394/- in the account of respondent no. 1 along with accrued interest and allow the appellant to withdraw the balance amount along with accrued interest.

7. The application is disposed of accordingly.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar