

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

MISC. CIVIL APPLICATION NO.359/2019 IN
WRIT PETITION NO.2465/2017 (D)

Dnaneshwar s/o Namdevrao Jaisingpure and Ors. .vs. State of Maharashtra
and others

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

Court's or Judge's orders.

Mr. S. D. Chopde, Advocate for applicants.
Mr. M. A. Kadu, A.G.P. for non applicant no.1.
Mr. P. R. Agrawal, Advocate for non applicant no.5.

CORAM : AMIT BORKAR, J.
DATED : JULY 11, 2022

By this application, the review applicants are taking exception to the order dated 24.04.2017 by which this Court restricted the rights of the review applicants to withdraw compensation amount of their shares. According to them, it was beyond the scope of Writ Petition No.2465/2017 to impose such restrictions on applicants.

2. During the pendency of the present application, respondent no.5 has filed reply and in paragraph 2, the respondent no.5 has stated as under:

“2. Without prejudice to the right of the answering respondent to oppose the prayer under review on its merit, the answering non-applicant submits that she has no demur to pass appropriate order in respect of release of the amount to the extent of their 6/9th share in favour of applicant no.1 and 2 herein.”

3. Respondent nos. 6 and 7, in their reply, in paragraph 2, has stated thus:

“2. Without prejudice to the right of the answering non-applicant no.6 and 7 to oppose the prayer under review on its merit, the answering non-applicant no.6 and 7 submits that they have no demur to pass appropriate order in respect of release of the amount to the extent of their 6/9th share in favour of applicant no.1 and 2 herein.

4. In view of the statements made by non applicant nos. 6 and 7, the applicants are permitted to withdraw the compensation amount to the extent of 6/9th share deposited before the reference Court. The same principle applies to the enhanced amount of compensation and the applicants shall be entitled to withdraw the amount to the extent of 6/9th share in the enhanced amount of compensation also.

5. With this, it is made clear that insofar as 3/9th share, which remains after withdrawal of 6/9th share, the same shall be subject to decision of Special Civil Suit No. 99/2019.

The review application is disposed of in the above terms.

JUDGE

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Digitally signed by YOGESH
ARVIND KAHALE
Signing Date: 14.07.2022
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