

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

CIVIL APPLICATION (CAF) NO. 566 OF 2023
IN
FIRST APPEAL NO. 502 OF 2015 (D)

VIDARBHA IRRIGATION DEVELOPMENT CORPORATION, THR. ITS EXECUTIVE ENGINEER, WARDHA

...**VERSUS**...

KU. RANJANA D/O. PANDURANG DAHAT 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 Ritesh Badhe, Advocate for respondent no. 2.
Shri Y.R.Kinkhede, Advocate for intervenors.

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

DATE : 08th MARCH, 2023

Leave is granted to amend the title cause.

2. Amendment to be carried out forthwith.

3. It appears that First Appeal came to be disposed of in Lok Adalat vide order dated 22/04/2018, however, there were no orders in respect of intervenors. Thereafter, Civil Application (CAF) No. 1516/2020 came to be filed for deciding the share of intervenors as there was specific order to that effect in First Appeal. As joint Pursis came to be filed bearing no. 7/2022 by respondent nos. 1 and 2 and intervention applicants and it was informed to the Court that the parties arrived at settlement in view of paragraph no. 4 of the Pursis. Accordingly, the application came to be disposed of declaring that respondent nos. 1 and 2 and the applicants are entitled for Rs. 5,41,961/- each.

4. In view of some misstatement, it was informed that Ravindra S/o. Pandurang Dahat (respondent no. 2) has already withdrawn the amount of Rs. 3,00,000/- as per order of this Court. In view thereof, it was held that he is entitled only for Rs. 2,41,961/-. After verification, it is noticed that though there was order in favour of respondent no. 2 - Ravindra, both respondent nos. 2- Ravindra and respondent no. 1 have not withdrawn the amount and it is lying with this Court. As such, present Civil Application (CAF) No. 566/2023 is filed for modification of the order dated 22/08/2022 passed by this Court.

5. In view of the fact which is noticed by the parties, both the parties have agreed to the fact that Raviindra S/o. Pandurang Dahat - respondent no. 2 is also entitled for Rs. 5,41,961/-. As such paragraph no. 1 of the order dated 22/08/2022 is hereby modified as under:-

Delete the following part of paragraph commencing from:-

“The parties arrived at settlement in view of paragraph No. 4 of the Pursis. As such, respondent Nos. 1 and 2 and applicants are entitled for amount of Rs. 5,41,961/- each. However as Ravindra has withdrawn Rs. 3,00,000/- as per order of this Court, he will be entitled for Rs. 2,41,961/- and applicant/intervenor Nos. 1 and 2, i.e. Parvati and Vandana each will receive Rs. 5,41,961/-. In view of this pursis the interim applications for intervention as well as application for withdrawal of amount are disposed of.”

And substitute the same as under:-

“The parties arrived at settlement in view of 2nd joint compromise Pursis. As such, respondent nos. 1 – Ranjana D/o. Pandurang Dahat and 2 Ravindra S/o. Pandurang Dahat and intervention applicant nos. 1 Parwati Wd/o. Pandurang Dahat and 2 Vandana D/o. Pandurang Dahat all are entitled for Rs. 5,41,961/- each alongwith accrued interest

thereon, if any. In view of this Pursis, the interim applications for intervention as well as application for withdrawal of amount are disposed of.”

6. Necessary modification to be carried out in the order dated 22/08/2022 below Civil Application (CAF) No. 1516/2020. After modification is carried out, upload the rectified/modified order.

7. Accordingly, the present Civil Application (CAF) No. 566/2023 is disposed of in the above terms. Registry to take note of the modified order.

8. Registry is further directed to disburse the accrued interest on the amount equally to respondent no. 1 and 2 and intervention applicant nos. 1 and 2.

9. The documents which are already submitted by the parties be considered for disbursement of the amount.

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

B.T.Khapekar