

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

CIVIL APPLICATION (F) NO.614 OF 2023

IN

FIRST APPEAL NO.7 OF 2013

[Maharashtra Industrial Development Corporation ..V/s.. Lalita w/o
Panchamsingh Suraswar alias Lalita d/o Tukaramsingh Gautam and Ors.]

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

Court's or Judge's order

Mr P. Sagdeo, Adv. h/f Mr M. M. Agnihotri, Advocate for Applicant/Appellant.
Mr R. D. Bhuibhar, Advocate for Respondent No.1.
Mr K. L. Dharmadhikari, AGP for Respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 6th MARCH, 2023.

. By this application, the respondent No.1 is seeking modification of the order dated 04.01.2023.

2. First appeal is already disposed of *vide* judgment dated 24.04.2018. The respondent No.1 had filed Civil Application No.2931 of 2022 for seeking permission for withdrawal of the amount. This Court has already granted permission to respondent No.1 to withdraw the amount alongwith the accrued interest on due verification and identification. However, Registry has raised an objection as respondent No.1 is having one brother, who is also entitled for the said compensation. Hence, this application for modification of the order dated 04.01.2023.

3. The respondent No.1 has no objection to give 50% of the share of the balance amount of the compensation. It is submitted by Mr Bhuibhar, learned Advocate for respondent No.1 that the brother of respondent No.1 is dead and his legal heirs will take appropriate steps for withdrawal of the amount of compensation.

4. In view of the facts and circumstances, respondent No.1 is entitled to receive 50% of the compensation amount alongwith accrued interest out of the deposited amount in the Court. At the same time, legal heirs of the brother of the respondent No.1 shall take necessary steps for withdrawal of the balance amount.

5. Registry shall disburse the amount of share of the respondent No.1 to the extent of 50% alongwith accrued interest on due verification and identification.

6. Civil Application No.614 Of 2023 is disposed of.

JUDGE

TAMBE