

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

CIVIL APPLICATION (CAF) NO. 1213 OF 2023
IN
FIRST APPEAL NO. 646 OF 2019 (D)

VIDARBHA IRRIGATION DEVELOPMENT CORP. THR. EXE. ENGINEER, BEMBLA PROJECT, YAVATMAL AND ANR.

...VERSUS...

DHIRAJ DNYANESHWARRAO JUNGHARE AND ORS.

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

Court's or Judge's order

Ms. Mallika Babhulkar, Advocate h/f. Shri M.A.Kadu, Advocate for appellants.
Shri Mohit Dube, Advocate h/f. Shri A.B.Nakshane, Advocate for respondent no. 1/
applicant.

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

DATE : 26th JULY, 2023

The First Appeal (St.) No. 7073/2018 subsequently registered as First Appeal No. 646/2019, which came to be disposed of vide judgment and order dated 02/04/2019. In view thereof, the appellants have submitted their calculations vide Pursis (Stamp) No. 04/2023 dated 03/05/2023. There is no dispute over the calculations.

2. The present application is filed for grant of permission to withdraw the amount of Rs. 2,61,314/- along with accrued interest. As per calculations of the appellants, the respondent no. 1/claimant is entitled for the said amount and the appellants have claimed for refund of Rs. 15,381/-, which was paid for the compensation. As the appeal is disposed of, I do not see any impediment in allowing the present application. As such, the application is allowed.

3. The respondent no. 1/claimant is hereby permitted to withdraw the amount of Rs. 2,61,314/- along with accrued interest thereon, on due verification and identification.
4. The remaining amount of Rs. 15,381/- be refunded to the appellants along with accrued interest thereon.
5. Accordingly, the application stands disposed of.

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

B.T.Khapekar