

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.1212/2023

IN

FIRST APPEAL NO.303/2019

Vidarbha Irrigation Development Corporation, thr. Its Executive Engineer, Bembla
 Project Division, District Yavatmal

Vs.

Rambhau Marotrao Shahade (dead) thr. Anjanabai Rambhau Shahde and others

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

Court's or Judge's orders

Ms Mallika Babhulkar, Advocate h/f Shri M.A. Kadu,
 Advocate for appellant
 Shri A.B. Nakshane, Advocate for respondent

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

DATED : 25/07/2023

The present application is filed by respondent Nos.2 to 4 for withdrawal of amount. It is submitted that the house property of the present applicant of village Pahur had been acquired by the appellate for Bembla Project. The First Appeal came to be disposed of vide order dated 15/02/2019 and claimants were allowed to withdraw the amount of compensation in terms of judgment.

2. Accordingly, pursis came to be filed by the appellant to which learned Counsel for respondents have no objection. In view of that pursis No.2/2023 dated 02/05/2023, amount of Rs.2,87,080/- for which respondent is entitled to receive whereas amount of Rs.31,228/- needs to be refunded to the appellant. In view thereof, application is allowed.

3. The respondent Nos.2 to 4 are allowed to

withdraw the amount of Rs.2,87,080/- along with accrued interest.

4. The Nazir is directed to disburse the amount in the account of respondent No.3 who is holding power of attorney for respondent Nos.2 and 4 after due verification of power of attorney.

5. The appellant is entitled for refund of Rs.31,228/- along with accrued interest.

6. The Nazir is also directed to refund the same.

7. The application stands disposed of.

JUDGE

R.S. Sahare