



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

CIVIL APPLICATION (CAF) NO.2068/2023

IN

FIRST APPEAL NO.520/2022

Sahebrao Raman Sonune (dead) thr. LR's Vimalbai w/o Sahebrao Sonune and others
Vs.

The Collector Yavatmal and others

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

Court's or Judge's orders

Shri V.N. Patre, Advocate for appellants
Ms T.H. Udeshi, AGP for respondent No.1
Shri H.D. Marathe, Advocate h/f Shri T.M. Zaheer, Advocate
for respondent No.2

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

DATED : 25/07/2023

The present application is filed by appellants for grant of permission to withdraw the amount which is deposited by respondents. The appellants challenged the judgment and order dated 30/08/2007 passed by learned Civil Judge, Senior Division, Pusad, District Yavatmal in L.A.C. No.539/2002.

2. In First Appeal No.520/2022, this Court vide order dated 28/04/2022 allowed the appeal and enhanced the compensation and respondents were directed to pay compensation within a period of six months from the date of order. Accordingly, amount of Rs.43,96,160/- came to be deposited by respondents on 26/04/2023. In view of the disposal of the appeal, I do not see any impediment in allowing the application.

3. The appellants also claimed that the amount

should be permitted to withdraw to appellant No.3 who is holding power of attorney executed on 06/06/2023 for other appellants i.e. appellant Nos.1, 2 and 4 to 6.

4. The learned Counsel for respondent No.2 have no objection. Accordingly application is allowed.

5. The appellant No.3 is allowed to withdraw the amount of compensation Rs.43,96,160/- alongwith accrued interest on behalf of other appellants i.e. appellant Nos.1, 2 and 4 to 6.

6. The Nazir is directed to verify the power of attorney executed in favour of appellant No.3 and disburse the amount.

7. The application stands disposed of.

JUDGE

R.S. Sahare