



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

CIVIL APPLICATION (CAF) NO. 2184/2023 IN
FIRST APPEAL NO. 259/2022

The Executive Engineer, Purna Medium Project, Achalpur Division, Amravati

Vs.

Surajmal Dagadumal Kasat (Deceased) through his L.Rs. Smt. Basantibai Surendrakumar @
Surajmal Kasat and others

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

Court's or Judge's orders

Ms Ashwini Bhagwat, Advocate h/f Shri U.A. Gosavi, Advocate for appellant
Shri R.J. Shinde, Advocate for respondent Nos. 1 to 3
Ms T.H. Udeshi, AGP for respondent Nos. 4 & 5

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

DATE : 02/08/2023

Present application is filed for withdrawal of balance amount which is lying with this Court as well as in the Reference Court. It appears that the appellant deposited amount of Rs.16,77,185/- to Reference Court i.e. Achalpur, District Amravati on 17/10/2020. Appellant has also deposited balance amount of Rs.39,01,379/- on 24/02/2022, pursuant to order dated 30/07/2021. The present application is moved for withdrawal of the said amount. It appears that vide order dated 01/04/2022 in CAF No. 746/2022, claimant Nos. 1 to 3 were allowed to withdraw 50% of the compensation amount with accrued interest thereon and furnishing their undertaking of returning the said amount.

2. For the reasons stated in the application, the applicant is permitted to withdraw the amount, subject to condition that 50% of amount lying with Referral Court is hereby allowed to withdraw, subject furnishing usual undertaking that he will re-deposit the amount, if appellant would succeed, as per final order, which would be passed in pending First Appeal No. 259/2022. So far as amount lying with this Court is concerned the respondent 1 to 3 are permitted to withdraw the 50% of amount on usual undertaking as referred above and 50% of amount allowed to withdraw on furnishing surety to the satisfaction of Registrar (Judicial). The amount so disbursed shall be along with accrued interest.

3. Nazir is directed to disburse the same. In view of power of attorney placed on record, amount be disbursed in the account of respondent No.2/Tejkumar Surendrakumar Kasat. After due verification of power of attorney and also on filing affidavit to the effect that amount in the share of other respondent i.e. 1 and 3 will be paid as per the order passed in award.

4. Application stands disposed of.

(SMT. M.S. JAWALKAR, J.)