



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

CIVIL APPLICATION (CAF) NO. 3794 OF 2023
IN
FIRST APPEAL NO. 500 OF 2023

(VIDC, THR. EE MINOR IRRIGATION DN, WARDHA & ANR..VS.. SUMANBAI CHINTAMANRAO
INGOLE (dead) THR. LRS & OTH.)

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

Court's or Judge's orders

Shri Vinay Dahat, Advocate for Appellants.
Shri C.R.Najbale, Advocate for Respondent No.1 (1a to 1d).
Shri K.R.Luley, A.G.P. for Respondent No.2.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 15, 2023.

1. Heard.
2. This is an application by the respondent Nos. 1(a) to 1(d)/ LRs of the original Claimant seeking withdrawal of the amount of Rs.10,36,555/- (Rs.Ten Lakhs Thirty Six Thousand Five Hundred Fifty Five only) deposited by the appellants in the reference Court and Rs.16,97,048/-(Rs,Sixteen Lakhs Ninety Seven Thousand Forty Eight only), deposited in this Court, along with accrued interest.
3. The learned counsel for the respondents/ claimants submitted that the stay to the execution of the award has been granted by this Court, subject to deposit of the entire decretal amount.

4. The learned counsel for the appellants submitted that for the time being, the respondents/claimants may be allowed to withdraw 50% of the amount on usual undertaking and 50% of amount by furnishing solvent surety.

5. On going through the record, I am of the view that the respondent Nos.1(a) to 1(d), who are land losers, cannot be deprived of the use of the amount in terms of the award.

6. In the circumstances, the respondent Nos.1(a) to 1(d)/claimants are permitted to withdraw the entire amount of Rs.10,36,555/- (Rs.Ten Lakhs Thirty Six Thousand Five Hundred Fifty Five only) deposited by the appellants in the reference Court and Rs.16,97,048/- (Rs,Sixteen Lakhs Ninety Seven Thousand Forty Eight only), deposited in this Court. Out of the total amount, referred above, 50% of the amount shall be withdrawn subject to furnishing usual undertaking by the respondents/ claimants and 50% of the amount by furnishing solvent surety, along with accrued interest, if any.

7. The Civil Application is **disposed of** accordingly.

JUDGE