



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

Civil Application (CAF) No. 831 of 2024
in

First Appeal St. No. 8696 of 2023

[The Executive Engineer, Amravati Irrigation Dept., Amravati **..vs..** Bhimrao Bhagwanji Wankhade
(deceased) through his L.Rs. Anil Bhimraoji Wankhade and ors.]

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

Court's or Judge's orders

Mr. S. S. Shingane, Advocate for the applicants/respondent nos. 1(a) to 1(c)
Ms. Ashwini Athalye, Advocate for the appellant
Mr. M. A. Kadu, AGP for respondent nos. 2 and 3

CORAM : ANIL L. PANSARE J.

DATED : 20-03-2024

By present application, the applicants – respondent nos. 1(a) to 1(c)/original claimants are seeking to withdraw the amount of compensation of Rs. 26,46,976/- deposited by the non-applicant/appellant. The further request is made to deposit the amount in the account of respondent no. 1(a), the power of attorney holder.

Learned counsel for non-applicant/appellant states that the respondents/claimants have withdrawn Rupees Thirteen Lacs approximately deposited by the non-applicant/appellant before the trial Court. Accordingly, she has opposed the application.

Perused the impugned judgment. Considering the nature of evidence on record, the claimants/respondent nos. 1(a) to 1(c) are permitted to withdraw 50% of the amount of compensation on filing an undertaking that in case the appeal is allowed, the said

amount shall be repaid with interest at such rate the Court may direct.

The respondent no. 1(a) is permitted to sign document/s on behalf of other respondents. The amount, however, shall be deposited in the accounts of respondent nos. 1(a) to 1(c) proportionate to their share in 50% allowed to be withdrawn, in terms of the award passed by the reference Court.

The application is disposed of accordingly.

(Anil L. Pansare, J.)

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