



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

CIVIL APPLICATION (CAF) NO.2492/2024

IN

FIRST APPEAL NO.909/2012

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

Vs.

Naresh s/o Samirmal Kotecha and others

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

Court's or Judge's orders

Shri J.B. Kasat, Advocate for appellant
Shri D.A. Sonwane, Advocate for respondent No.1
Shri A.M. Ghogre, AGP for respondent Nos.2 and 3/State

**CORAM : SMT. M.S. JAWALKAR AND
M.W. CHANDWANI, JJ.**

DATE : 04/12/2024

1. The present application is filed for permission to withdraw remaining 50% of the decretal amount deposited by the applicant. Vide order dated 27.06.2014, the decretal amount was deposited and respondent No.1 was granted liberty to withdraw 50% of the same and remaining 50% was directed to be invested in the fixed deposit in any nationalized Bank subject to result of the appeal. As such, 50% of decretal amount deposited by appellant is lying in this Court.

2. In view of the order passed by this Court in First Appeal No.909/2012 while deciding appeal finally, the

respondent was directed to refund the amount of Rs.1,85,000/- towards difference of compensation for Awala trees to the Acquiring Body within a period of three months, failing which, the respondent is directed to pay interest @ 6% per annum on the said amount.

3. The learned Counsel for applicant is ready to give an undertaking that whatever amount of compensation along with accrued interest is lying with this Court after deducting the amount of Rs.1,85,000/- and interest as per direction in Clause 3 of the order is payable to the applicant, the amount of Rs.1,85,000/- along with interest @ 6% be adjusted and paid to the Acquiring Body.

4. The Registry to calculate the same and disburse the amount of compensation deducting amount payable/refundable to Acquiring Body with interest as per directions of this Court in First Appeal. Acquiring Body is entitled to get refund with interest as per direction of this Court.

5. The Nazir to take necessary steps.

(M.W. CHANDWANI, J.)

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