



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

CIVIL APPLICATION NO.369/2024 IN FIRST APPEAL NO. 796/2019 (d)

VIDC .Vs. Smt. Parvatabai Ghulba Lute (Dead) thr. LRs 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. Bhalerao, Advocate for applicant.

Mrs. M. R. Kavimandan, A.G.P. instructed by Mrs. H. S.Prabhu, A.G.P. for non applicant nos. 2 and 3.

CORAM : ANIL L. PANSARE, J.

DATE : 07.02.2024

Learned A.G.P. submits that copy of the application has been not served on the Government Pleader's office. However, there is an acknowledgment of service of copy on the Government Pleader's office. Thus, an incorrect statement has been made by the learned A.G.P. The learned A.G.P. should be careful while making statements before the Court.

Copy of order be sent to the Government Pleader for information.

By the present application, the applicant is seeking to withdraw the entire amount of compensation of Rs.2,97,367/- along with accrued interest thereon. Learned counsel for applicant – respondent no.1 submits that First Appeal No. 796/2019 has been dismissed for not filing the paper book within stipulated time. The appellant has not taken any steps to recall the order and, therefore, the order has attained finality.

In view of above, there appears no reason why the application be not allowed.

Hence, the application is allowed. Applicant – respondent no.1 is permitted to withdraw the entire amount of compensation as prayed for.

(Anil L. Pansare, J.)

Kahale