



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

CIVIL APPLICATION (CAF) NO.1154 OF 2024

IN

FIRST APPEAL NO. 94 OF 2023

VIDARBHA IRRIGATION DEVELOPMENT CORPORATION AND ANOTHER

Vrs.

JANRAOJI S/O SITARAMJI MOHOD (DEAD) THROUGH HIS LRS AND OTHERS

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

Court's or Judge's Order

Mrs. Anjali Joshi, Advocate for appellants.
Shri R. J. Shinde, Advocate for respondent No.1.
Shri P. P. Pendke, AGP for respondent Nos.2 and 3.

CORAM: SANJAY A. DESHMUKH, J.

DATE : 05/07/2024.

1. Heard learned advocate for the appellants and learned advocate for the respondents/claimants.
2. This is an application by the respondents/claimants seeking withdrawal of the amount of Rs.6,65,638/- deposited by the appellants in this Court.
3. Learned advocate 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. Learned advocate for the appellants submitted that for the time being, the respondents/claimants may be allowed to withdraw 50% of the amount and that too by furnishing solvent surety.
5. On going through the record, I am of the view that the respondents, who are the land losers, cannot be

deprived the use of the amount in terms of the award. In the facts and circumstances, the respondents/claimants are permitted to withdraw the entire amount i.e. Rs.6,65,638/- deposited by the appellants in this Court. 75% amount shall be withdrawn, subject to furnishing an usual undertaking by the respondents/claimants and 25% amount shall be withdrawn, subject to furnishing solvent surety.

6. The power of attorney, whose name is Govardhan s/o Janraoji Mohod, is permitted to withdraw the amount on behalf of the respondents/claimants.

7. The application is disposed of.

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8. Heard.

9. **Admit.**

10. Shri R. J. Shinde, learned counsel waives service of notice for respondent No.1.

11. Shri P. P. Pendke, learned AGP waives service of notice for respondent Nos.2 and 3.

12. The paper book be filed within eight weeks.

[SANJAY A. DESHMUKH, J.]