



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

**CIVIL APPLICATION (CAF) NO. 2465 OF 2024
IN
FIRST APPEAL NO. 157 OF 2017**

VIDARBHA IRRIGATION DEVELOPMENT CORPORATION

Vrs.

AWADHOOT GOVINDRAO UMRATKAR (SINCE DECEASED) THROUGH 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

Shri Vinay Rathi, Advocate h/f Shri P. B. Patil, Advocate for appellant.
Ms. Aparna Telang, Advocate for respondent Nos.1-b(i) to 1-b(iii)
and respondent No.1(c).
Shri M.A.Kadu, AGP for respondent Nos.2 and 3.

CORAM: SANJAY A. DESHMUKH, J.
DATE : 24/10/2024.

1. This is an application for direction to the appellant to submit the calculation before the Court and for permission to the respondent Nos.1-b(i) to 1-b(iii) and respondent No.1(c) to withdraw the amount deposited as per the Judgment of this Court dated 22/12/2018.
2. First Appeal No.157/2017 is decided by this Court by Judgment dated 22/12/2018.
3. Learned advocate for the appellant and respondents pointed out the calculation of the amount deposited and remaining amount.
4. Learned advocate for the appellant submitted pursis along with chart of calculation. He pointed out that amount of Rs.12,00,720/- is deposited in this Court as per the order of this Court.

5. Learned advocate for the appellant further pointed out that an amount of Rs.2,02,371/- is excess amount. Therefore, the appellant is entitled to withdraw the said amount. Therefore, he orally submitted to permit the appellant to withdraw that amount.

6. Learned advocate for the respondents - claimants has no objection for it.

7. Perused the application.

8. Heard learned Advocates for both sides.

9. For the reasons stated in the application, respondent Nos.1-b(i) to 1-b(iii) and respondent No.1(c) are entitled to withdraw amount of Rs.9,98,349/- along with accrued interest thereon.

10. Learned advocate for the appellant - acquiring body submits that appellant is entitled to withdraw excess amount of Rs.2,02,371/-.

11. Considering his prayer, the application deserves to be allowed, in the interest of justice.

12. The application is allowed as prayed. The oral request of the advocate for the appellant is also allowed and appellant is permitted to withdraw the amount of Rs.2,02,371/- along with accrued interest, if any.

13. Registry is directed to pay an amount of Rs.9,98,349/- to respondent Nos.1-b(i) to 1-b(iii) and respondent No.1(c) along with accrued interest thereon.

14. The application is disposed of.

[SANJAY A. DESHMUKH, J.]