



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
FIRST APPEAL NO.33 OF 2023

Executive Engineer, Purna Medium Project Achalpur Division, Achalpur
(presently known as Executive Engineer, Medium and Minor Irrigation
Division, Achalpur)

Vs.

Sahadev s/o Maroti Ghom and others

WITH

FIRST APPEAL NO.227 OF 2022

Executive Engineer, Purna Medium Project Achalpur Division, Achalpur
(presently known as Executive Engineer, Medium and Minor Irrigation
Division, Achalpur)

Vs

Mahadeo Sitaram Pawade (dead) through LR's and others

WITH

FIRST APPEAL NO.330 OF 2021

Executive Engineer, Purna Medium Project Achalpur Division, Achalpur
(presently known as Executive Engineer, Medium and Minor Irrigation
Division, Achalpur)

Vs.

Shyamlal Jangli Prajapati (dead) and through LR's and others

WITH

FIRST APPEAL NO.86 OF 2020

Executive Engineer, Purna Medium Project Achalpur Division, Achalpur
(presently known as Executive Engineer, Medium and Minor Irrigation
Division, Achalpur)

Vs.

Sardar Begum w/o Abdul Rafique and others

WITH

FIRST APPEAL NO.651 OF 2021

Executive Engineer, Purna Medium Project Achalpur Division, Achalpur
(presently known as Executive Engineer, Medium and Minor Irrigation
Division, Achalpur)

Vs.

Late Smt. Kausalyabai Narayanrao Geranj and others

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

Court's or Judge's orders.

Shri/s P.B. Patil with Vinay Rathi, Advocates for appellant in all appeals.
Shri S.S. Singne, Advocate for respondent no.1/claimants in all appeals.
Shri M.A. Kadu, AGP for respondent nos.2 and 3 / State in appeals.

CORAM : M.W. CHANDWANI, J.

DATE : 03.04.2025.

1. Shri Vinay Rathi, learned counsel for the appellant submits that he will file private paper-book in First Appeal nos.33/2023 and 330/2021 within two weeks and will remove office objections in First Appeal nos.227/2022 and 651/2021 within four weeks.

2. His statement is accepted.

3. Stand over after four weeks.

CIVIL APPLICATION (CAF) NO.432/2025

4. Unfortunately, this is third order in respect of the amount of Rs.4,68,678/-, the part of amount of award which has been deposited in the Reference Court.

5. By order dated 03.08.2024, this Court allowed the application of the respondent no.1 to withdraw entire amount, which came to be modified by order dated 25.10.2024 by which a direction was added to withdraw 25% of the amount on furnishing solvent surety. However, the amount deposited by the appellant in Reference Court was inadvertently denoted by this Court as 25% of the decretal amount. Since the percentage of the amount mentioned in the order dated 25.10.2024 created confusion

in the mind of the Reference Court, the respondent no.1 could not withdraw the said amount from the Reference Court within one month as directed in the order dated 25.10.2024.

6. Since the amount deposited by the appellant before the Reference Court is not in the ratio of 25% of the decretal amount and since this Court has already allowed the respondent no.1/claimant to withdraw the entire amount by order dated 03.08.2024, therefore necessary inference is drawn that the permission is granted to withdraw the entire amount deposited by the appellant in the Reference Court alongwith accrued interest on executing solvent surety before the Reference Court.

7. With this clarification, the application stands disposed of.

JUDGE

Wagh