



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

CIVIL APPLICATION NO. 1959 OF 2023 IN
FIRST APPEAL NO. 776 OF 2015 (D)

VIDC

..vs..

Shankarrao s/o Baliram Pardakhe (Dead) thr. LR's

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

Court's or Judge's orders

Shri V.B. Patil, Advocate h/f Shri P.B. Patil, Advocate for the
appellant.

Shri S.V. Ingole, Advocate for respondent nos. 1A to 1C.

Mrs. Dhande, AGP for the State.

CORAM: SANDIPKUMAR C. MORE, J.
DATE : 20/01/2025.

Heard rival submissions.

2. Leave to correct the prayer clause by inserting 1(C) instead of 1(B) wherever it appears in prayer clause, regarding the legal representatives of respondent no.1(C) Pramod Shankarrao Pardakhe.

3. The application is filed for withdrawal of amount of compensation by the existing legal representatives of Original Claimant Shankarrao. It appears that respondent nos. 1(A) and 1(C) are no more, and therefore, respondent no.1(B), legal heirs of 1(C) i.e. 1(C)(i) to 1(C)(iv) and 1(D) are having 1/3 share each, in the compensation amount. The appeal is already disposed of and partly allowed as per the order dated 29.11.2022.

4. The appellant/Acquiring Body had already deposited the amount of compensation as per the Award impugned and part of the same was allowed to be withdrawn.

5. Now as per the order dated 29.11.2022, the present respondents/Claimants are claiming the withdrawal of balance amount of compensation. The learned Counsel for the appellant/Acquiring Body is not having any objection for such withdrawal, but he claims that the additional amount deposited by the Acquiring Body as per the award impugned, needs to be refunded to the Acquiring Body.

6. In view of the same, the application stands allowed and the respondent nos.1(B), legal heirs of 1(C) i.e. 1(C)(i) to 1(C)(iv) and 1(D) are permitted to withdraw the balance amount of compensation as per order dated 29.11.2022, in equal proportion along with the proportionate interest accrued thereon till date.

7. The balance amount, if any, be refunded to the appellant/Acquiring Body along with the accrued interest thereon till date.

8. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

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