



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

CIVIL APPLICATION (F) NO.3155 OF 2024

IN

FIRST APPEAL NO.217 OF 2016 (D)

[The Vidarbha Irrigation Development Corporation ..Vs.. Rajendra
Narayan Deshmukh and Others]

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

Court's or Judge's order

Mr V. Dahat, Adv. h/f Mr J. B. Kasat, Advocate for Applicant/Appellant.
Mr M. Dube, Advocate for LR's of Non-Applicant/Respondent No.1.
Ms H. Dhande, AGP for Non-Applicants/State.

CORAM : M. W. CHANDWANI, J.

DATE : 4th APRIL, 2025.

1. Heard.

2. The matter was compromised between the parties before Lok Adalat on 14.07.2018. Thereafter, the respondent No.1 died. The legal representatives of deceased respondent No.1 filed an application for withdrawal of enhanced amount of compensation deposited by the appellant.

3. The succession certificate filed on record goes to show that the applicant Nos.1 to 4 are the legal representatives of deceased respondent No.1. A joint calculation sheet bearing the signatures of the counsels for the respective parties is filed on record across the bar mentioning therein that the amount to which the legal representatives of deceased respondent No.1 and the appellant are entitled to withdraw, in terms of the award passed in Lok-Adalat on 14.07.2018. A joint calculation sheet filed on record is marked as "X" for identification.

4. Since the applicants are the legal representatives of deceased respondent No.1, they are entitled to Rs.1,78,669/- alongwith accrued interest, whereas the appellant is entitled for refund of Rs.50,618/- alongwith accrued interest. The appellant and the legal representatives of deceased respondent No.1 are permitted to withdraw the amount for which they are entitled.

5. Needless to mention that the amount due and payable to respondent No.1 shall be divided equally amongst the legal representatives of deceased respondent No.1 i.e. the applicants.

6. In above said terms, the application stands disposed of.

JUDGE

Tambe