



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

CIVIL APPLICATION (CAF) NO. 3213 OF 2025

IN

FIRST APPEAL NO. 995 OF 2023

Executive Engineer, Upper Wardha Project, Amravati

Vs.

Vishwanath Ramvilas Agawal and others

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

Court's or Judge's Order

Ms. Mallika Babhulkar h/f. Shri M. A. Kadu, Advocate for appellant.
Shri R. D. Dharmadhikari, Advocate for respondent nos. 1 to 3.
Ms. Deepali Sapkal, AGP for respondent nos. 4 and 5/State.

**CORAM :- M. W. CHANDWANI &
PRAFULLA S. KHUBALKAR, JJ.**

DATED :- 17.10.2025

Heard.

2. By order dated 16.01.2025, this Court has allowed the application of claimant- Yogesh Agrawal and permitted him to withdraw 75% of the decretal amount.

3. The contention is that, there are two respondents who are equally entitled to the decretal amount. However, inadvertently in Civil Application No. 124/2025, only the name of respondent no. 3 was mentioned and the name of respondent no. 2 was remained to be mentioned. By the present application, the name of respondent no. 2 is sought to be added so

that respondent no. 2 can also be permitted to withdraw the decretal amount.

4. Undisputably, whatever may be the amount of compensation, all the respondents will be entitled to it equally. However, since Civil application No. 124/2025 was filed by respondent no. 3- Yogesh Agrawal and no application was filed by the other respondents, the name of respondent no. 2 cannot be added. Respondent no. 2 may file a separate application. The relief sought cannot be given by modifying the order.

5. Our attention has been drawn to the fact that order dated 16.01.2025 directs to pay 75% of decretal amount. However, considering the fact that there are two respondents, the order dated 16.01.2025 is required to be modified to the extent that the respondent no. 3- Yogesh Agrawal is permitted to withdraw 75% of the decretal amount falling in his share.

6. The application is allowed to that extent only with liberty to respondent no. 2 to file appropriate application for withdrawal of the decretal amount falling in his share.

7. Place the matter before the appropriate Bench after Diwali Vacation.

(PRAFULLA S. KHUBALKAR, J.)

(M. W. CHANDWANI, J.)