

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

CIVIL APPLICATION NO.451/2016 IN
FIRST APPEAL NO.1071/2014

(The Executive Engineer, Lower Wardha Project Division, Wardha ..vs.. Shirish
Devidas kale and ors.)

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

Court's or Judge's orders.

Mr. S. S. Godbole, Advocate for applicant.
Mr.M.D.Lakhe, Advocate for non applicant nos.1 to 6.
Ms N. P. Mehta, A.P.P. for non applicant nos. 7 and 8.

CORAM : A. B. CHAUDHARI, J.
DATE : FEBRUARY 5, 2016

By this application, a request for withdrawal of the total amount of Rs.3,50,229/- in one name i.e.non applicant no.3-Manoj Devidas Kale is made. The money was deposited by the appellant towards compensation. Counsel for the parties state that there are in all six claimants but there is difficulty in opening the account in the name of six claimants as the Bank is not ready to do so. Learned counsel for the claimants has invited my attention to Annexure-I to his application which is No Objection Certificate/consent of the other claimants. It is desirable not to rely upon the same to avoid any further controversy.

In that view of the matter, following order is passed.

ORDER

- (i) Civil Application No.451/2016 is allowed.
- (ii) All the claimants shall be paid the amount in question in equal proportion by the Registry by individual cheques, after obtaining their undertaking on affidavit from them.

JUDGE

kahale