

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**938 CONTEMPT PETITION NO.626 OF 2017
IN
WRIT PETITION NO.4175 OF 2016**

**FURKHAN BABU PATEL
VERSUS
PURUSHOTTAM MEENA, ASSISTANT P.F.COMMISSIONER
(PENSION), S.R.O., SOLAPUR**

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Advocate for Petitioner : Mr.Shaikh Mazhar
A.Jahagirdar h/f. Dr.Swapnil D.Tawshikar
Advocate for Respondent : Mr.K.B.Chaudhary

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**CORAM : R.M.BORDE AND
K.K.SONAWANE, JJ.**

DATE: 6th March, 2018

PER COURT:-

1) The learned counsel appearing for the respondent states that since the wife of the deceased was the nominee authorized to receive the payment and since she pre-deceased the employee, the petitioner alone is not entitled to receive amount towards return of capital.

2) It is not matter of dispute that the petitioner has been authorized by all the legal

heirs to receive the amount towards return of capital.

3) The petitioner shall obtain duly sworn affidavit of each of the legal heirs of the deceased, authorizing him to receive the amount admissible under the head 'return of capital' from the respondent.

4) The affidavit authorizing the petitioner sworn by each of the legal heirs shall be tendered to the Assistant Provident Fund Commissioner (Pension), S.R.O., Solapur, within two weeks from today. The affidavit shall be duly sworn before Oath- Officer of the Court. The petitioner shall also furnish his Bank Account number for transfer of the amount in his name.

5) The petitioner shall also tender letter of indemnity in favour of the respondent indemnifying the respondent in the event of

occurrence of any dispute or fixation of any liability concerning the payment towards return of capital. The letter of indemnity shall be tendered to respondent within the time stipulated above.

6) In view of above, Contempt Petition is disposed of.

7) Notices issued earlier stand recalled.

(K.K. SONAWANE)
JUDGE

(R.M. BORDE)
JUDGE