

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

C.A.F. NO. 4698/2017
IN
FIRST APPEAL NO. 986/2017

EE, Buldhana

..VS..

Mr. Gambhirrao Raosaheb Wayal & ors.

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

Court's or Judge's orders

Shri N.M. Gaidhane, Advocate for the appellant(s)
Shri D.S. Mapari, Advocate for the respondent nos. 1 and 2
Ms. M. Barabde, AGP for the respondent no. 3

CORAM : Z.A.HAQ, J.

DATED : APRIL 06 2018.

By order dated 12/09/2017, this Court has permitted the respondent nos. 1 and 2 (claimants) to withdraw 75% of the amount deposited by the appellant on furnishing undertaking to the satisfaction of the Registrar (J.) of this Court. The respondent nos. 1 and 2 have now come up with this application submitting that respondent no. 1 (Gambhirrao Raosaheb Wayal) is referred by this name in the proceedings throughout and therefore, Registry of this Court is disbursing the amount in that name i.e. Gambhirrao Raosaheb Wayal however in the bank account, his name is recorded as Gambhirrao Raosaheb Deshmukh and therefore, the Registry be directed to release the payment in the name of Gambhirrao Raosaheb Deshmukh. In support of the submission, various documents to establish the identity have been filed. An affidavit sworn by respondent no. 2-Subhash Raosaheb Wayal (real brother of the respondent no. 1) is also filed reiterating the claim as made by the respondent no. 1.

An order was passed on 13/03/2018 directing the Registrar (J.) to verify the original documents produced by the respondent no. 1 to establish his identity. Accordingly, the Registrar (J.) submitted the report dated 20/03/2018 regarding verification of the original documents.

Considering the facts on record, it is directed that 75% of the amount deposited by the appellant be disbursed in the joint account of Subhash Raosaheb Wayal and Gambhirrao Raosaheb Deshmukh on furnishing undertaking by both the respondent nos. 1 and 2 as per the order passed by this Court on 12/09/2017.

The civil application is allowed accordingly.

C.A.F. NO. 895/2018

In view of the subsequent developments and the fact that Shri N.M. Gaidhane, Advocate appears for the appellant, no orders are required on this application. It is disposed accordingly.

JUDGE

Ansari