

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

Civil Application (F) No.1260/2020 in First Appeal No.1408/201(D)
 (VIDC thr Executive Engineer, Yavatmal V Parasram Rathod and others)

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

Court's or Judge's orders

Mrs. I.P. Khisti, Adv for appellant.
 Shri A.B. Nakshane, Adv for resp. nos. 1 and 2/Cross Objectors.
 Shri S.D. Sirpurkar, AGP for resp. nos. 3 and 4.

CORAM : S.M. MODAK, J.
DATE : 06-11-2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. This Court as per the judgment passed in First Appeal No.1408/2017 was pleased to dismiss the appeal of the appellant/VIDC and was pleased to allow the cross objection. An amount of Rs.46,86,927/- was deposited by the appellant on 13-11-2017. The respondent nos. 1 and 2 have withdrawn Rs. 35,15,195/- and they are asking for withdrawal of the remaining amount.

3. The respondent nos. 1 and 2 were directed by this Court to file calculations of the amount of compensation. Yet it is to be filed. This calculation pertains to the enhanced amount of compensation. Permission is sought for withdrawal of the amount calculated by the Reference Court and not as per the enhanced amount of compensation.

4. I do not find the exceptional case is made out for dispensing personal verification by respondent no.1.

5. Respondent no.1- Parasram Rathod claims to be the Power of Attorney Holder of respondent no.2-Premdas Rathod. Copy of Power of Attorney is filed on record. Hence the order :-

ORDER

- (a) The Nazir is directed to transfer the remaining amount to the Reference Court, Yavatmal.
- (b) The reference Court, Yavatmal is directed to transfer the amount in the account of Respondent no.1- Parasram Rathod for himself and as a Power of Attorney holder of respondent no.2-Premdas Rathod.
- (c) Respondent no.1- Parasram Rathod is directed to attend the Reference Court for the purpose of personal verification.

6. Application is disposed of.

7. The order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

(S.M. Modak, J.)