

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

CAF No.4494/2019 in First Appeal No.217 OF 2016

The Vidarbha Irrigation Development Corporation

vs.

Rajendra Narayan Mahalee

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

Court's or Judge's order

.....
Shri V. V. Dahat, Advocate holding for Shri J.B. Kasat,
Advocate for the Appellant.

Shri S.B.Bissa, AGP for Respondent nos.2 and 3.

Shri A.B.Nakshane, Advocate holding for Ms. Nisha
Burange, Advocate for the Applicant.

CORAM : MILIND N. JADHAV, J.

DATED : 13/01/2020.

Heard learned counsel for the respective parties.

2. After disposal of the Appeal on 14.7.2018, the applicant (Original Respondent No.1) has preferred this application wherein he submits that in some of his documents, his name has been shown as, "Rajendra Narayan Deshmukh". At the time of disposal of the First Appeal, the name of the Original Respondent was shown as "Rajesh Narayan Mahalle". It appears that an amount of Rs.1,83,505/- has been deposited in this Hon'ble Court, pursuant to the order of disposal and the Applicant (Original Respondent) has made an attempt to withdraw this amount and objection has been raised by

the office on the basis of documents, which have been submitted by the Applicant to identify himself. Hence the present application has been preferred. No material has been annexed to the present application to show that the Applicant is also known by the name of “Rajendra Narayan Deshmukh”.

3. The present Civil Application can be disposed of by the following order:-

(i) For the reasons mentioned in the application, the name of the original Respondent be corrected and shown as “Rajendra Narayan Mahalle also known as Rajendra Narayan Deshmukh”. Both the above names shall be shown together.

(ii) The office shall duly verify the entire documentary evidence, which shall be presented by the applicant/original Respondent and only after due verification of the same, he shall be permitted to withdraw any amount, which has been deposited in this Court as per the earlier orders if there is no other ambiguity.

(iii) Necessary correction shall be carried out within a period of one week by the Applicant – Original Respondent.

4. The learned counsel appearing for the Appellant (VIDC) has no objection to the same.

5. Since the Applicant/Original Respondent no.1 has failed to annex any copies of the documents evidencing the changed/different name, the Applicant is directed to pay cost of Rs.2000/- to the High Court Legal Services, Sub Committee, Nagpur, within a period of two weeks from today and necessary receipt of the same shall be produced before the office at the time of verification of the documents. In the event cost is not deposited or documents are not furnished for verification the Applicant shall not be permitted to withdraw any amount.

6. Civil Application is disposed of.

JUDGE

Ambulkar