

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

CIVIL APPLICATION (F) NO.1447 OF 2021 IN
FIRST APPEAL NO. 1203 OF 2017

Tarachand Dhaduji Meshram

Vs.

Mrs. Alka Wd/o Surendra Harshe and others

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

Court's or Judge's orders.

Shri A.R. Rishi, Advocate for applicant.

Shri P.N. Sangidwar, Advocate for non-applicant nos.1 to 5.

CORAM : PUSHPA V. GANEDIWALA, J.

DATE : 3rd AUGUST, 2021.

Heard.

(2) By this application, respondent nos.1 to 5/claimants seeking modification of order and condonation of delay in filing undertaking.

(3) Learned counsel for respondent nos.1 to 5 submitted that in the order dated 08.02.2021 while allowing the application for withdrawal of amount, filed by respondent nos.1 to 5, the name of respondent no.4 is missing from the order due to inadvertent error.

(4) Considering this fact, the order dated 08.02.2021 is modified accordingly by adding respondent no.4 along with respondent nos.1 and 5.

(5) After modification, respondent nos.1, 4 and 5 are permitted to withdraw the decretal amount in their joint account and distribution of decretal amount i.e. Rs.6,21,000/- with accrued interest thereon shall be equally divided amongst respondent nos.1 to 5.

(6) As per order dated 08.02.2021 of this Court, the shares of respondent nos.2 and 3 i.e. Rs.4,00,000/- along with proportionate accrued interest thereon be invested in any Nationalized Bank for a period of six years with further renewal till they attain the age of majority.

(7) Balance amount i.e. Rs.2,21,000/- with proportionate accrued interest thereon be equally distributed amongst respondent nos.1, 4 and 5.

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Shri A.R. Rishi, learned counsel for the appellant on instructions submits that the matter is settled between the parties and therefore seeks leave to withdraw the appeal.

Leave is granted as prayed for.

The appeal stands disposed of as withdrawn.

JUDGE

Wagh