

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

938 CIVIL APPLICATION NO.7468 OF 2021
IN FIRST APPEAL NO.420 OF 2020

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SHIVRAM UGHADU KOLI (DIED) THROUGH L.Rs.
LOTU (DIED) THR L.Rs.KRUSHNA & OTHERS

VERSUS

EXECUTIVE ENGINEER, MAHARASHTRA INDUSTRIAL
DEVELOPMENT CORPORATION, JALGAON & OTHERS

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Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent-State : Mr.S.R.Yadav-Lonikar
Advocate for Respondent no.1 : Mr.S.S.Dande

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CORAM : S.G.DIGE, J.

DATE : 30.06.2022

P.C. :

1] Heard the learned counsel for the applicants
and the learned counsel for respondent no.1.

2] The learned counsel for the applicants submits
that this Court has allowed application for withdrawal of
amount thereby permitting the applicants to withdraw 50%
amount out of deposited amount by respondent no.1. The
applicants are more in number, the bank is not opening the
joint account of all the applicants. As per the rules of bank,
joint account of three persons only can be opened but in the

present case, the applicants are more than three in numbers. The applicants have executed General Power of Attorney in favour of one of the applicant, hence, direction be given to issue cheque in favour of GPA applicant.

3] The learned counsel for respondent no.1 submits that at the time of issuing cheque, undertaking of other applicants should be taken.

4] Considering the submissions of both the learned counsel as well as this Court has already allowed the application of the applicants for withdrawal of the amount, there is a technical difficulty of withdrawal of the amount as the bank is not permitting to open the joint account more than three persons. All the applicants are from the same family. Hence, the applicants can be permitted to withdraw the amount through GPA. Other applicants shall give their undertaking stating that they have issued GPA. Accordingly, Civil Application is disposed of.

[S.G.DIGE]
JUDGE