

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

FIRST APPEAL NO. 455/2021

(VI.D.C., CHIKHLI (NOW JIGAON PROJECT REHABILITATION DIVISION, SHEGAON) **VERSUS**
DATTATRAYA KESHAV JOSHI (DEAD) THROUGH L.R.s & OTHERS)

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

Court's or Judge's order

Shri J.B. Kasat, counsel for the appellant/non-applicant.
Shri R.B. Dhore, counsel for the R-1A to 1E, 2D & 3/applicants.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : AUGUST 03, 2022.

C.A.F. NO. 962/2022.

The applicant seeks modification of the order dated 09.09.2021 by which the applicants were permitted to withdraw 25% of the amount of compensation subject to filing an undertaking by all the claimants.

In the present application it is stated that the original owner Keshav had three sons; Dattatraya, Vishnu and Krushna. Dattatraya and Vishnu have expired and are represented by their legal heirs. All the legal heirs of Dattatraya have opened a joint bank account while the widow of Vishnu has opened a separate bank account. It is prayed that 25% of the compensation be disbursed equally in three parts by permitting the three branches to withdraw the said amount proportionately. In addition, it is stated that since some of the legal heirs are old aged, Power of Attorney has been executed in favour of the legal heir Aniruddha. Insofar as the other branch is concerned such Power of Attorney is executed in favour of Unmesh. It is prayed that the amount be permitted to be withdrawn in favour of aforesaid Power of Attorneys.

The modification as prayed for is granted. The amount of compensation be disbursed in three equal parts to the three branches of deceased Keshav in the manner stated hereinabove. The same may be credited to their separate bank accounts. The identity of the Power of Attorneys shall be verified and thereafter further steps be taken in the matter of disbursement.

The civil application is disposed of in aforesaid terms.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

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