

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

CIVIL APPLICATION [CAF] NO.997 OF 2022

IN

FIRST APPEAL NO.638 OF 2007 [DECIDED]

[Municipal Council, through Chief Officer, Wardha .vs. State of Maharashtra 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 S.M. Thakre, Advocate for respondent no.3 & 3 (B),
Shri Abhay Sambre, Advocate for appellant,
Shri S.A. Ashirgade, Addl.G.P for respondent nos.1 and 2.

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CORAM : SMT. M.S. JAWALKAR, J.

DATE : 06/07/2022.

Present application is filed by respondent no.3 and 3-B for withdrawal of amount and to deposit the same in the bank account of Shri Gangadhar Waman Patil, who is husband of respondent no.3.

Respondent no.3-A Gayabai/Gangabai wd/o Kesharao Choudhari died and she had executed a will deed in favour of respondent no.3 Sulochana Patil and respondent no.3-D Waman Patil. Waman Patil died and he also executed a will deed in favour of his son namely Gangadhar Patil. Respondent no.3-B and C relinquished their property in the name of Sulochana and Gangadhar Patil. In view of order passed by the Referral Court also, Sulochana and Gangadhar Patil are the only person, who are entitled to receive the compensation on

the basis of relinquishment and will deed. Power of Attorney in favour of Shri Gangadhar Waman Patil is placed on record. Apart from this, additional affidavits are also filed by respondent no.3 and 3-B.

On perusal of these affidavits along with supporting documents, I am satisfied that there is no impediment in allowing respondent no.3 to withdraw the amount with a direction to deposit the same in the account of Shri Gangadhar Waman Patil. However, this amount be disbursed, subject to undertaking given by the Power of Attorney Shri Gangadhar Waman Patil that if any dispute arise by these claimants, he shall reimburse the same. The amount deposited by the appellant in the Court along with accrued interest be transferred to the account of Shri Gangadhar Waman Patil, as per the prayer made by the applicants herein. The applicant to supply account number and account details of Shri Gangadhar Patil within one week along with undertaking as referred above.

Civil Application is allowed and disposed of.

[Smt. M.S. Jawalkar, J.]

Gulande