

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

CIVIL APPLICATION (F) NO. 467 OF 2023
IN FIRST APPEAL NO. 259 OF 2022

(The Executive Engineer, Purna Medium Project, Achalpur Vs. Surajmal Dagadumal Kasat
(dead) thr. LRs Smt. Basantibai Surendrakumar & Ors. & Ors.)

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

Court's or Judge's orders.

Shri C.G. Barapatre h/f Shri U.A. Gosavi, Advocate for the
appellant.

Shri R.J. Shinde, Advocate for respondent Nos. 1 to 3/
applicants.

Ms. T.H. Udeshi, Assistant Government Pleader for
respondent Nos. 4 and 5/ State.

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CORAM : URMILA JOSHI - PHALKE, J.
FEBRUARY 23, 2023.

By this application, the applicants/
respondent Nos. 1 to 3 are seeking direction to the
Registry to allow the power of attorney holder –
respondent No.2 to furnish undertaking for himself and
on behalf of respondent Nos. 1 and 3.

2] As per the contention of the learned
Advocate for the applicants, the appellant has preferred
this appeal by challenging the judgment and award dated
20/2/2019 passed by the Civil Judge Senior Division,
Achalpur in Land Acquisition Case No. 1/2012. The
appellant has deposited the balance amount of
compensation of Rs.39,01,379/- on 24/2/2022.
Therefore, the applicants had filed Civil Application No.

746/2022 on 1/4/2022. This Court by passing order on 28/11/2022 allowed the applicants to withdraw 50% of the compensation amount with accrued interest on giving undertaking of returning the said amount in the event the appeal is allowed. As per the contention of the learned Counsel for the applicants, respondent No.1 is about 74 years of age and respondent No.3 is a lady. They both are unable to attend the Court for verification purpose and therefore seeking permission to withdraw the amount through the power of attorney holder – respondent No.2.

3] Perused the application. The application is supported by the power of attorney which shows that respondent Nos. 1 and 3 have assigned power to respondent No.2 for withdrawal of the amount.

4] In that view of the matter, respondent No.2, who is the power of attorney holder is permitted to withdraw the amount on behalf of himself as well as on behalf of respondent Nos. 1 and 3. The amount be disbursed to respondent No.2 on due identification and verification. Respondent No.2 shall file an affidavit to the extent that the respective shares of respondent Nos. 1 and 3 will be disbursed to them by him.

5] The Civil Application is allowed and disposed of.

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6] The appellant to remove the office objection/s in the paper-book within two weeks.

7] Place the matter for final hearing as per its turn after removal of the office objection/s.

(JUDGE)

Sumit