

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

CIVIL APPLICATION (F) NO.624 OF 2023

IN
FIRST APPEAL NO.22 OF 2019

[Vidarbha Irrigation Development Corporation ..V/s.. Rambhau Ubhadkar
Dead and Ors.]

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

Court's or Judge's order

Mr V. V. Dahat, Advocate for Applicant/Appellant.
Mr A. B. Nakshane, Advocate for Respondent No.1.
Ms T. H. Udeshi, AGP for Respondent Nos.2 and 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 6th MARCH, 2023.

. By this application, the legal heirs of respondent No.1 are seeking permission for withdrawal of the compensation amount, which is deposited in this Court.

2. The first appeal is already partly allowed by this Court *vide* order dated 21.12.2018. It is the contention of the legal heirs of respondent No.1 that the name of the respondent No.1 is wrongly mentioned in the appeal memo as Rambhau Ubhadkar, it should be Rambhau Raghunath Ubhad. They further prayed that all the legal heirs executed power of attorney in favour of Applicant No.2 Sanjay Rambhau Ubhad. The power of attorney is also filed on record. Death certificate of respondent No.1 is accompanied with the application alongwith the legal heirs certificate. All these documents show that the name of respondent No.1 was Ubhad and not Ubhadkar.

3. In view of that, appellant is permitted to correct the name of the respondent No.1 as Rambhau Raghunath Ubhad. Legal

heirs of the respondent No.1 are permitted to withdraw the amount through their power of attorney Sanjay Rambhau Ubhad. The amount be disbursed to Sanjay Rambhau Ubhad on due identification and verification. Applicant No.2 Sanjay Ubhad shall file an affidavit before the Court stating that he has disbursed the share of all other claimants to them respectively. The applicants are entitled to receive the compensation amount of Rs.5,44,573/-. The remaining balance amount of Rs.82,936/- be refunded back to the appellant - VIDC.

4. Civil Application No.624 of 2023 is disposed of.

JUDGE

TAMBE