

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

FIRST APPEAL NO.339 OF 2015

Vidarbha Irrigation Development Corporation, through its Executive Engineer, Lower
Wardha Project Division, Wardha

Vs.

Arun Prabhakar Kale and others

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

Court's or Judge's orders

Mr. V. N. Patre, Advocate for respondent Nos.1 to 6.

Ms. Shamsi Haider, AGP for respondent Nos.7 and 8.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 08/02/2023

1. In view of order passed by this Court on 12.12.2022, the respondents filed Pursis along with affidavit contending that they have received their respective shares.
2. The appellant to file private paper-book within eight weeks.
3. Stand over after eight weeks.

Civil Application (CAF) No.2744 of 2022

1. By preferring this application, respondents are seeking direction to deposit the amount of compensation in bank account of respondent No.1. As per the contention of the respondents, the amount of Rs.74,64,145/- is still lying in this Court. The respondent Nos.1 to 6 have already preferred an application bearing No.296 of 2021 for withdrawal of

the remaining amount. This Court by order dated 09.08.2021, permitted the claimants to withdraw 25 % of the amount. All the respondents executed the Power of Attorney in favour of the respondent No.1, and therefore the office of this Court deposited entire amount in bank account of respondent No.1. However, the Registry has raised an objection to deposit the amount of compensation in bank detail of respondent No.1 and asked the respondents to provide the separate bank details and undertaking of all the claimants, and therefore present application is filed for appropriate direction to deposit the amount in bank account of respondent No.1, in view of the affidavit executed by the respondent Nos.2 to 6.

2. It is further contended by the respondents that the respondents are residing at various places, due to their respective jobs and profession, and therefore it is difficult for them to file an undertaking and verification for withdrawal of the amount. Therefore, respondent Nos.2 to 6 executed the affidavits stating that, they have no objection, if the amount of compensation has been deposited in the bank account of the respondent No.1. It is further stated that the respondent No.2 is residing in USA, and therefore it is difficult for him to file the undertaking. The respondent No.5 is of 80 years of age and she is the mother of the other answering respondents. She is also unable to come at Nagpur. Therefore, considering the Power of Attorney executed

by respondent Nos.2 to 6, 25% of the amount be deposited in the bank account of respondent No.1. The respondent Nos. 2 to 6 have already filed an affidavit in favour of respondent No.1. Thus, they have consented to deposit the entire amount in the account of respondent No.1. It is also apparent that the earlier amount permitted to be withdrawn is received by all the respondents. Considering the affidavits filed by the respondent Nos.2 to 6, it is apparent that they have no objection, if the amount is deposited in the account of respondent No.1.

3. Considering the peculiar situation that some of the respondents are residing out of Country and one respondent is old aged lady.

4. The Registry shall transfer the amount by depositing the same in the account of respondent No.1. After transferring the said amount, the respondent No.1 shall disburse the respective shares to all other respondents and respondent No.1 shall file an affidavit stating that he has disbursed the respective shares to the respondent Nos.2 to 6 in their account along with the necessary details of the same.

5. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate