

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

CIVIL APPLICATION (CAF) NO.2166/2023
IN
FIRST APPEAL NO.1823/2019 (D)

Sub-Area Manager, Western Coal Fields Ltd. Padmapur, Dist. Chandrapur
 Vs.

Smt. Anjutai wd/o Rajkumar Tiple 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 A.S. Ambatkar, Advocate for respondent Nos.1 to 3

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 02/08/2023

The application is filed for dispensing with personal presence of claimant/respondent No.3 at the time of withdrawal of amount before Nazir. It appears that First Appeal No.1823/2019 dismissed vide order dated 14/03/2023.

2. It is submitted that respondent No.1 is the mother of respondent Nos.2 and 3 and they all are having joint account in the Bank of India. Respondent No.3 had recently went to Ireland in connection with his job and therefore, it is not possible for him to travel back to India in near future and to remain personally present before Nazir at the time of withdrawal process. In view thereof, it is requested for exemption of personal presence of respondent No.3 before the Nazir. Copy of passport is placed on record. As such, application is allowed.

3. It is made clear that if the respondent Nos.1 and 2 shall furnish undertaking to the effect that if respondent No.3 on any reason raises any dispute or objection, they will reimburse the share of respondent No.3.

4. The Nazir is directed to disburse an amount on furnishing such undertaking within a period of two weeks.

5. The application stands disposed of.

JUDGE

R.S. Sahare