

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

CIVIL APPLICATION (CAF) NO. 2181 OF 2023
IN
FIRST APPEAL NO. 112 OF 2006(D)

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION THR. ITS CEO, AMRAVATI

...VERSUS...

PUNDLIK VITTHAL ITKARE AND ORS.

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

Court's or Judge's order

Shri Parth Sagdeo, Advocate h/f. Shri M.M.Agnihotri, Advocate for appellant.
Shri J.S.Wankhede, Advocate h/f. Shri S.V.Ingole, Advocate for LR's. of
respondent no. 1 (i.e. R-1 to R-8)/applicants.
Ms. T.H.Udeshi, AGP for respondent nos. 2 and 3.

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

DATE : 03rd AUGUST, 2023

The present application is filed for grant of permission to withdraw the amount deposited by the appellant.

2. It is submitted that the judgment and decree in LAC No. 221/1993 was challenged before this Court in First Appeal No. 112/2006. The said appeal came to be partly allowed by common judgment and order dated 04/05/2017. The appellant was directed to deposit the unpaid decretal amount of compensation. Accordingly, the balance decretal amount came to be deposited i.e. amount of Rs. 7,51,380/- on 24/07/2019. In view of final disposal of the appeal, there would not be any impediment in allowing the application. Accordingly, the application is allowed.

3. The applicants have placed on record Heirship Certificate as well as Power of Attorney and also placed on record the Adhar

Cards of the claimants. Accordingly, Nazir is directed to disburse the amount in favour of applicant no. 7 as he is holding Power of Attorney for applicant nos. 1 to 6 and 8.

4. Registry is directed to verify the Power of Attorney.

5. The claimant no. 7 - Power of Attorney Holder to file affidavit stating that he will pay the amount to other remaining claimants as per their shares.

6. Accordingly, the application stands disposed of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar