

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

CIVIL APPLICATION (CAF) NOS. 2195 OF 2022
IN
FIRST APPEAL NO. 363 OF 2020

V.I.D.C. THR. EXE. ENGINEER, BEMBLA IRRIGATION DIVISION, YAVATMAL AND ANOTHER

...VERSUS...

EKNATH VITHALRAO WATANE (DEAD) THR. LRS. SMT. SHALINI EKNATH WATANE AND OTHERS

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

Court's or Judge's order

Shri V.V.Dahat, Advocate for appellants.
Shri A.B. Nakshane, Advocate for respondent no. 1(A) to (C).
Shri M.A.Kadu, AGP for respondent nos. 2 and 3/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 31st JANUARY, 2023

By this application, respondent nos. 1(A) to 1(C) are seeking modification of order dated 29/08/2022 passed by this Court to the extent to permit the Power of Attorney Holder - respondent no. 1(B) to withdraw the 75% of deposited amount on behalf of respondent no. 1(A) and 1(C).

2. As per the contention of respondents, respondent nos. 1(A) and 1(C) have given Power of Attorney to respondent no. 1(B) i.e. Jagdish Eknath Watane, by which they have consented that, respondent no. 1(B) is entitled to receive the amount on their behalf.

3. The Power of Attorney is placed on record for perusal, which shows that, the specific power was given to respondent no. 1(B) to withdraw 75% of deposited amount on behalf of respondent nos. 1(A) and 1C. In view of that, respondent no. 1(B) is permitted to

withdraw 75% of deposited amount on behalf of respondent nos. 1(A) and 1(C). After withdrawal of amount, respondent no. 1(B) shall file the affidavit that, the shares of respondent no. 1(A) and 1(C) have disbursed to them.

4. The amount be disbursed to respondent no. 1(B) on due identification and verification.

5. Accordingly, the application is disposed of.

(URMILA JOSHI-PHALKE, J.)

B.T.Khapekar