

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

CIVIL APPLICATION (CAF) NOS. 2415 OF 2022
IN
FIRST APPEAL NO. 427 OF 2018 (D)

THE EXECUTIVE ENGINEER, BEMBLA PROJECT, VIDC, YAVATMAL

...VERSUS...

NAMDEV S/O. BAPURAO PUNSE (DEAD) THR. LRS. SMT. LAXIBAI NAMDEV PUNSE 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 P.B. Patil, Advocate for appellant.
Shri M.A.Kadu, AGP for respondent nos. 5 and 6.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 31st JANUARY, 2023

By this application, respondent nos. 2 to 4 are seeking permission to allow respondent no. 2 who is the Power of Attorney Holder for respondent nos. 3 & 4, to withdraw the amount along with interest accrued thereon. The application is supported by Power of Attorney (POA). The First Appeal is already dismissed as per the order dated 05/03/2018 passed by this Court.

2. Shri P.B. Patil, learned counsel for the appellant submitted that, only condition that the amount is to be disbursed to the other respondents, is to be clarified.

3. Respondent nos. 2 to 4 are seeking permission to allow respondent no. 2 to receive the amount for himself and on behalf of respondent nos. 3 and 4. The POA is also placed on record. In this Power of Attorney, the power was given to respondent no. 2 to receive the amount of compensation. However, considering the

issue raised by the appellant, respondent nos. 2 to 4 shall receive their shares accordingly and the respondents to submit the compliance to this Court to that effect. On the condition that, respondent nos. 2 to 4 shall submit the compliance that they have received the amount of compensation, respondent no. 2 is permitted to receive the amount for himself and on behalf of respondent nos. 3 and 4.

4. Accordingly, the application is disposed of.

(URMILA JOSHI-PHALKE, J.)

B.T.Khapekar