



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

CIVIL APPLICATION (CAF) NO. 1149 OF 2022
WITH
CIVIL APPLICATION (CAF) NO. 1150 OF 2022
AND
CIVIL APPLICATION (CAF) NO. 3446 OF 2022
AND
CIVIL APPLICATION (CAF) NO. 3213 OF 2022
IN

FIRST APPEAL ST. NO.13831 OF 2019

(EXECUTIVE ENGINEER MADHYAM PRAKALP YTL....VS.. NAMDEO DEVISINGH CHAVHAN
(DEAD) THR. LRS. & OTH.)

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

Court's or Judge's orders

Ms Ira P. Khisti, Advocate for Appellant.
Shri S.V.Ingole, Advocate for Resp. Nos.1A, 1B, 1D to 1G.
Shri Sagar Ashirgade, A.G.P. for Respondent Nos. 2 & 3.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 21, 2023.

CIVIL APPLN.NOS.1149/2022 & 1150/2022.

1. For the reasons stated in the applications, both the applications are allowed.
2. Delay in filing application for setting aside abatement is condoned. Abatement is set aside. The appellant shall to bring LR's of Respondent No.1(c) on record within two weeks.
3. The Civil Application is **disposed of** accordingly.

CIVIL APPLN.NO. 3446/2023.

4. This is an application moved by the appellant for appointment of guardian of legal heirs of respondent No.1(c).

5. After going through the contents of the application, I am of the opinion that the application needs to be allowed. Accordingly, the application is allowed.

6. The necessary correction in the title clause be carried out within two weeks.

7. The Civil Application is **disposed of** accordingly.

CIVIL APPLN.NO.3213/2023.

8. By this application, the applicants (respondent Nos.1-A and 1-D to 1-G) seek permission to withdraw the amount of compensation deposited by the appellant.

9. Perused the impugned judgment. Considering the nature of evidence on record, the claimants/respondent Nos.1A and 1-D to 1-G are permitted to withdraw the compensation amount deposited by the appellant to the extent of their share. Out of the said amount fifty per cent amount on filing an undertaking

that in case the appeal is allowed, the said amount shall be repaid with interest at such rate the Court may direct. Further fifty per cent of the amount of compensation, to the extent of their share, is permitted to be withdrawn on furnishing a solvent surety to the satisfaction of the Registrar (Judicial).

10. Office is directed to verify the Power of Attorney given by all the applicants in favour of the applicant No.1-E-Govinda Namdeo Chavhan and thereupon if there is no impediment as regards genuineness of the Power of Attorney, the applicant No.1-E is permitted to withdraw the amount for other applicants.

The Civil Application is **disposed of** accordingly.

JUDGE