



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

CIVIL APPLICATION (CAF) No.2042 OF 2024
IN
FIRST APPEAL No.170 OF 2020

(VIDC, through its Executive Engineer, Bembla Irrigation Division, Yavatmal and another
Vs. Nirmala Narayan Burewar and others)

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

Court's or Judge's orders.

Mr. J.B. Kasat, Advocate for appellants.
Mr. D.R. Bhoyar, Advocate for respondent No.1,2 and 3.
Mr. S.C. Joshi, AGP for respondent Nos.4 and 5.

CORAM : SANJAY A. DESHMUKH, J.
DATE : 1st AUGUST, 2024.

1. Issue notice to the respondents.
2. Mr. D.R. Bhoyar, learned Advocate waives service of notice on behalf of respondent Nos.1 to 3.
3. Mr. S.C. Joshi, learned A.G.P. waives service of notice on behalf of respondent No.4.
4. This is an application for condonation of delay, bringing legal representatives of deceased respondent No.2 on record and for setting aside abatement against respondent No.2.
5. Perused the application.
6. Heard learned Advocates for both sides.
7. Learned Advocates for the respondents have strongly objected the application.

8. Considering the reasons stated in the application, the application deserves to be allowed in the interest of justice.

9. The application is allowed.

10. The delay is condoned, abatement is set aside and bring legal representatives of respondent No.2 on record.

11. The amendment be carried out within two weeks.

12. The application is disposed of.

CIVIL APPLICATION (CAF) No.1324 OF 2023

1. This is an application filed by applicants-respondent Nos.1 to 3 for withdrawal of amount of Rs.7,14,672/- deposited by the appellant in this Court.

2. Perused the application.

3. Heard learned Advocates for both sides.

4. Considering the peculiar set of facts and the reasons stated in the application, the application deserves to be allowed.

5. The application is allowed.

6. The applicants-respondent Nos.1 to 3 are permitted to withdraw amount of Rs.7,14,672/- along with accrued interest thereon.

7. The registry is directed to pay the amount to them.

8. Learned Advocate for the respondent Nos.1 to 3 submits that legal representatives of respondent No.2, i.e. Madhuri Prakash Tipanwar, Sau. Rohini Sanjay Burewar, Aakash Prakash Tipanwar and Radhika Rahul

Jiddewar, have executed power-of-attorney in the name of Madhuri Prakash Tipanwar. Therefore, entire amount of compensation of the share of Prakash Tanaji Tipanwar-respondent No.2 be paid to the power-of-attorney holder on furnishing usual undertaking and after due verification of power-of-attorney holder.

9. The application is disposed of.

FIRST APPEAL No.170 OF 2020.

1. Stand over after three weeks.

(SANJAY A. DESHMUKH, J.)