



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

CIVIL APPLICATION (CAF) No.2468 OF 2024
IN
FIRST APPEAL ST. No.13884 OF 2022

(VIDC, through its Chief Executive Engineer, Nimn Painganga Project Yavatmal, Tah. And Distt. Yavatmal now Bembla Irrigation Division Vs. Shubhangi Janardan Ghodam (Guardian of Minor) Ku. Sonali Janardhan Ghodam, Ku. Monali Janardhan Ghodam and others)

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

Court's or Judge's orders.

Ms. Ashwini Athalye, Advocate for appellant.
Mr. S.V. Ingole, Advocate for respondent No.1.
Ms. M.R. Kavimandan, AGP for respondent Nos.2 and 3.

CORAM : SANJAY A. DESHMUKH, J.
DATE : 20th SEPTEMBER, 2024.

1. This is an application for permission to correct the name of applicant claimant in the memo of appeal.
2. Perused the application.
3. Heard learned Advocates of both sides.
4. Learned Advocate for the appellant Ms. Ashwini Athlye has strongly objected the application. She submits that in the judgment of the Reference Court the name of applicant is Shubhangi Janardan Ghodam. She had signed all the documents including vakalatnama etc. in the name of Shubhangi Janardan Ghodam. She, therefore, strongly objected and prayed to reject the application.
5. Learned A.G.P. Ms. M.R. Kavimandan for the respondent Nos.2 and 3 strongly objected the application.

6. Learned Advocate for the applicant-claimant-respondent No.1 submitted that the name of applicant-claimant is both Sheshikala and Shubhangi. He pointed out copy of her Aadhar card in which her name is shown as Sheshikala Janardhan Ghodam. He further pointed out that daughter of claimant Sonali Janardhan Ghodam is studying in B.A. 6th semester. He pointed out the copy of the school leaving certificate in which also her mother's name is shown as Sheshikala. He pointed out the Aadhar Card of Sonali Janardhan Ghodam and her sister Monali Janardhan Ghodam. In the school leaving certificate of Monali also her mother's name is shown as Sheshikala. He pointed out that affidavit of Shubhangi alias Sheshikala Janardhan Ghodam in support of this application. He lastly submitted to allow the application.

7. Perused all the documents.

8. Considering the reasons stated in the application and fact that the name of respondent Shubhangi is Sheshikala also it would be proper to allow this application in the interest of justice, in view of the documents filed on record as well as particularly the school leaving certificate, Aadhar card of Sheshikala and her affidavit. The application, therefore, deserves to be allowed. Hence, the following order.

9. The application is allowed.

10. The name of respondent No.1 be corrected as Sheshikala w/o. Janardhan Ghodam instead of Shubhangi Janardan Ghodam in the appeal memo.

11. Amendment be carried out within a week.
12. The application is disposed.

CIVIL APPLICATION (CAF) No.2575 OF 2022.

1. This is an application for condonation of delay of 70 days caused in filing appeal.
2. Issue notice to the respondents.
3. Mr. S.V. Ingole, learned Advocate waives service of notice on behalf of respondent No.1.
4. Ms. M.R. Kavimandan, learned A.G.P. waives service of notice on behalf of respondent Nos.2 and 3.
5. Perused the application.
6. Heard learned Advocates of both sides.
7. Some time was required for official communication and administrative procedure as well as decision. It appears that delay is not deliberately caused, therefore, it deserves to be condoned.
8. The application, is therefore, allowed.
9. The delay of 70 days caused in filing appeal is condoned.
10. The application is disposed.

CIVIL APPLICATION (CAF) No.2469 OF 2024.

1. This is an application filed by the applicants-respondent No.1 to 1-B for withdrawal of amount of Rs.1,78,497/- deposited by the appellant.
2. Perused the application.
3. Heard learned Advocates of both sides.
4. Considering the reasons stated in the application, the application deserves to be allowed.
5. The application is allowed.

6. The Reference Court i.e. 3rd Joint Civil Judge, Senior Division, Yavatmal is directed to pay amount of Rs.1,78,497/- to the claimants.

7. It is further directed to pay amount to respondent No.(1-B) Monali Janardhan Ghodam in whose favour power-of-attorney is executed by respondent Nos.1 and 1-A, after due verification.

8. The application is disposed.

FIRST APPEAL ST. No.13884 OF 2022.

1. Issue notice to the respondents.

2. Learned Advocate for the appellant and respondent No.1 submit that Monali Janardhan Godam and Sonali Janardhan Ghodam are the daughters and now became major.

3. On oral submission of both sides, the appellant is directed to add them as respondent No.(1-A) and (1-B).

4. The appellant to carry out amendment within a week.

5. **Admit.**

6. Call R. & P.

7. Stand over after four weeks.

(SANJAY A. DESHMUKH, J.)