

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

CIVIL APPLICATION (F) NO. 2687 OF 2025

IN

FIRST APPEAL NO. 230 OF 2023

(VIDC Washim vs. Rambhau Maroti Patil (dead) and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr.V.D.Akhade, Advocate h/f Mr.A.M.Kukday, Advocate for
appellant.

Mr. Bhushan Dafle, Advocate for respondents No.1 to 6

Mrs. Mukta Kavimandan, AGP for respondents No.7 and 8.

CORAM : ABHAY J. MANTRI, J.

DATE : JULY 30, 2025

1) Legal heirs of original claimant No.1 have moved this application to permit them to withdraw the amount deposited by the appellant along with interest accrued thereon, for which learned counsel for the appellant has given no objection to withdraw 75% of the total compensation amount on furnishing usual undertaking for 50% amount and solvent surety/security for remaining 25% amount to the satisfaction of the Registrar(J).

2) Having considered the reasons disclosed in the application and the no objection of the appellant, the application is partly allowed. The applicants are permitted to withdraw 75% of the total compensation amount on furnishing a usual undertaking for 50% of the amount and a solvent surety/security for 25% of the amount to the satisfaction of the Registrar (J).

3) Learned counsel for the applicant further submitted that appellant No.6 Wanmala Shalikram Wankhede has executed a Special Power of Attorney in favour of her son Sameer;

therefore, he urged for the transfer of the said amount to her bank account as stated in clause (2) of the Power of Attorney.

4) The Registrar (J) is directed to transfer 75% of the total compensation amount in proportionate as per the award in the bank accounts of the applicants No.1 to 4 and the share of respondent No.6 in the bank account stated in clause (2) of the Power of Attorney, along with interest accrued thereon on their furnishing bank accounts details, usual undertaking for 50% of the amount and solvent surety/security for 25% of the amount within six weeks.

5) The amount of the share of respondent No.5, Nalini, is to be kept in the Court, as learned counsel for respondents informed that she expired on 11/05/2023.

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1) Heard.

2) Having considered the grounds raised in the appeal memo, the appeal is '**Admitted**'.

3) Issue notice to the respondents, returnable after four weeks.

4) Learned counsel Mr. Dafle waives service of notice on behalf of respondent Nos. 1 to 4 and 6, so also learned Assistant Government Pleader Mrs. Kavimandan waives service of notice on behalf of respondents No. 7 and 8.

5) Learned counsel for the respondents submitted that during the pendency of the appeal on 11/05/2023, respondent No.5, Nalini, has passed away, leaving behind son Shyamsundar and daughter Ashwini. In view of the same, learned counsel for

the appellant is directed to take the steps to bring the legal heirs of respondent No.5 on record within two weeks.

- 6) Call for the Record & Proceedings.
- 7) List the matter after receipt of R & P.

(ABHAY J. MANTRI, J.)

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