



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

FIRST APPEAL NO. 1067 OF 2010 (D)

(The Executive Engineer vs. Smt. Hurbee w/o Sayyad Nur and others)

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

Court's or Judge's order

Mr. Mayank Agnihotri, Advocate h/f Mr. M. M. Agnihotri, Advocate for appellant.

Mr. Abuzain Tarique, Advocate h/f Mr. B. J. Lonare, Advocate for respondents No.1.

Mrs. Hemlata Dhande, AGP for respondent Nos. 2 and 3.

CORAM : ABHAY J. MANTRI, J.

DATE : JULY 15, 2025

1) By virtue of the order dated 07/07/2025, learned counsel for the appellant submitted that the appellant received the Cheque of Rs.2,30,318/- and he is ready to deposit the same in this Court by 18/07/2025.

2) Accordingly, permission is granted to deposit the said amount by 18/07/2025.

CIVIL APPLICATION (F) NO. 2153 OF 2025

1) The applicant/respondent No.(1-b), namely, Sayed Rehman Sayed Noor being one of the legal heir of respondent No.1 Hurbee Sayed Noor, as a power of attorney of rest of the legal heirs has filed this application seeking directions to the appellant to deposit the balance awarded amount along with accrued interest thereon and permit them to withdraw the amount on depositing the same.

2) As per the statement of learned counsel for the appellant that he will deposit the amount in this Court by

18/07/2025, therefore, upon deposit of the amount, the applicant/respondent No.(1-b) is permitted to withdraw the amount along with accrued interest thereon.

3) Learned counsel for the applicant has tendered across the bar a Special Power of Attorney executed by the respondent No.(1-a), (1-c), (1-e) and (1-g) to (1-K) in favour of the respondent No.(1-b) Sayed Mahemood Sayed Noor authorised him to withdraw the amount on their behalf. They have also produced a copy of the heirship certificate issued by Naib Tahsildar, Amravati, dated 27/04/2015, before the Court. Both documents are collectively marked as "X" for identification purposes.

4) On perusal of the heirship certificate, it reveals that the respondents No.1(b) to 1(k) are the legal heirs of the deceased, respondent No.1, Smt. Hurbee w/o Sayed Noor. By virtue of the power of attorney, the respondents No.(1-a), (1-c), (1-e), and (1-g) to (1-k) have authorised the applicant/respondent No.(1-b) to collect the amount on their behalf. However, respondent No.(1-d) Sau. Julekha Abdul Kadir and respondent No.(1-f) Sau. Malika Ataur Raheman Khan have not executed the Power of Attorney. *Moreover, the appeal is dismissed as per the order dated 21/01/2025.*

5) Having considered the above facts, the applicant/respondent No.(1-b), i.e. Sayed Mahemood Sayed Noor, is permitted to withdraw the amount on behalf of the respondent No.(1-a), (1-c), (1-e) and (1-g) to (1-k) and distribute the same to all respective respondents and submit the affidavit in that regard in the Court within two weeks after receipt of the amount. The amount of the share of respondent

No.(1-d) Sau. Julekha and respondent No.(1-f) Sau. Malika be transferred to their respective bank account.

6) On encashment of the cheque deposited by the appellant, the Registrar (J) is directed to transfer the amount in the bank account of respondent No.(1-b) Sayed Mahemood Sayed Noor and respondent No.(1-d) Sau. Julekha and respondent No.(1-f) Sau. Malika respectively as per their entitlement, within four weeks on their furnishing bank account details.

7) The respondent No.(1-b) is also directed to furnish the affidavit about the distribution of the amount to the respective legal heirs, who have executed the Power of Attorney in his favour within two weeks after the receipt of the amount by him.

8) List the application after four weeks; till then, the learned counsel for the appellant to take steps to deposit the balance amount, if any, remaining to be paid.

(ABHAY J. MANTRI, J.)

KOLHE