



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

CIVIL APPLICATION (CAF) NO.897 OF 2026

IN

FIRST APPEAL NO. 258 OF 2017

Executive Engineer Lower Wardha Project Vs.Rajabhau Bhimrao Shende
and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.S.K.Bhoyar, Advocate for the Appellant.
Mr.C.R.Najbile, Advocate for Respondent Nos.1 to 5
Ms.Sneha Dhote, AGP for the State.

CORAM : NEERAJ P. DHOTE, J.

DATE : 18/02/2026

1. This is an Application for modification of order dated 24.03.2017 to the extent that the power of attorney holder Rajabhau Bhimrao Shende be permitted to withdraw the amount on behalf of the Respondent Nos.2A to 5.

2. Heard the learned Advocate for the Applicants and the learned AGP for the State. By an order dated 24.03.2017 in Civil Application No.1464 of 2017 in First Appeal No.6655 of 2016, this Court permitted the Claimants to withdraw Rs.60,00,000/- out of which Rs.30,00,000/- may be permitted to withdraw on furnishing regular understanding

and remaining Rs.30,00,000/- on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial). Remaining amount was directed to be deposited in the fix deposit. There is no dispute that, the aforesaid Application on which the above referred order was passed was moved by the POA i.e. the present Applicant No.1. The reason for moving this Application is that the Claimant Vanmala Bhimrao Shende is 92 years old and unable to come all the way to Nagpur for completing the formalities. The learned Advocate for the Applicants submits that the Applicants Pranali Shende, Alka Shende and Ku.Mamta Shende are concerned, they would personally come to undertake the necessary formalities. Copy of the power of attorney is enclosed with the Application. It is submitted by the learned Advocate for the Applicants that the power of attorney is still in existence and not revoked. Hence, the Application is allowed to the extent of Respondent No.3 Smt. Vanmala Shende. The necessary formalities for Respondent No.3 Vanmala is permitted to be undertaken by the Applicants. However, the amount of compensation be deposited in the Bank account of Respondent No.3 Smt.Vanmala to the extent of her share.

3. Application stands disposed of.

JUDGE