

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 12766 OF 2014
IN
WRIT PETITION NO. 2759 OF 2012**

The Divisional controller, MSRTC,
Osmanabad.

...Petitioner

versus

Dattatraya Machindra Dhage (Died)
through his legal heirs
Alka Dattatraya Dhage & anr.

...Respondents

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Mr. R. K. Jain, Advocate h/f Mr. D. S. Bagul, Advocate for petitioner.
Mr. Abhijit Choudhari, Advocate for respondent Nos. 1-A and 1-B.

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CORAM : N.W. SAMBRE, J.

DATE : 24TH APRIL, 2015

ORAL ORDER :

1. Learned Counsel for the applicant submits that the amount, as ordered on 13/02/2015 will be deposited within one week from today.

2. Learned Counsel for the proposed legal heirs has no objection. As such, the applicant is permitted to deposit the amount within one week from today. Non applicants will be at liberty to withdraw the same.

3. For the reasons stated in the application, delay caused in bringing the legal heirs of deceased respondent on record stands

condoned. The civil application stands allowed.

4. Amendment be carried out within one week from today.
5. This petition is taken up for final disposal at admission stage with the consent of the parties.
6. Learned Counsel for respondents has placed on record an affidavit sworn on 30/07/2014, wherein she has stated that her husband i.e. Dattatraya died of Cancer and as such, she has withdrawn Writ Petition No.747/2012 initiated by him. It is also stated in the said affidavit that she has given up monetary claim in relation to service of her husband without hesitation and she is given fresh appointment by an order dated 04/02/2015 by the petitioner herein.
7. The above referred statement is not objected. Copy of the affidavit dated 30/07/2014 and an appointment order dated 04/02/2015 are taken on record.
8. In view thereof, writ petition stands disposed of as infructuous.

[N.W. SAMBRE, J.]