

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

CIVIL APPLICATION NO. 563 AND 564 OF 2015
IN
FIRST APPEAL NO.419 OF 1999 (D)

The State of Maharashtra & Anr.

-vs-

Shamrao S/o Rajaram Adhau (since deceased) Thr. L.Rs.

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

Court's or Judge's Orders.

Shri H. D. Dubey, AGP for appellant No.1.
Shri M. M. Agnihotri, Advocate for appellant No.2.
Shri V. J. Dharkar, Advocate for applicants.

CORAM : A.S.CHANDURKAR, J.

DATE : APRIL 06, 2015

These applications have been filed praying that the legal representatives of the respondent be permitted to be brought on record to enable the legal representatives to withdraw the amount of compensation deposited by the appellant No.2. It is stated that the respondent expired on 23/09/2013 but the legal representatives were not aware about the pendency of the proceedings.

The record indicates that the First Appeal came to be decided on 09/10/2014 and the same was dismissed confirming the order dated 19/04/1999 passed by the Reference Court.

Though in effect the aforesaid decision has been rendered after the death of the sole respondent, the same would not make much difference as in any event the said appeal has been dismissed. Even otherwise, the appeal would have abated on account of death of the said respondent.

Hence for reasons mentioned in the applications, same are allowed and legal representatives of the respondent are permitted to be brought on record. Applications are disposed of.

C.A.F. No.565 of 2015.

For reasons stated in the application, the applicants are permitted to withdraw the entire amount of compensation with interest deposited by the appellant No.2 in this Court in view of dismissal of the First Appeal.

C.A. is allowed and disposed of.

JUDGE