

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

922 CIVIL APPLICATION NO. 10449 OF 2018
IN FA/1212/2007 WITH CA/10450/2018 IN FA/1212/2007

MOHANSING S/O DHANUSING RAJPUT (DIED) THR LRS NILESH
AND ORS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Adkine Sonaji K.
AGP for Respondent State : Mr. S.P.Deshmukh
....

CORAM : SUNIL K. KOTWAL, J.

DATE : AUGUST 24, 2018

O R D E R :

Civil Application No. 10450 of 2018 is filed for bringing legal representatives of appellant no.1 on record after condoning delay of 796 days. Applicant no.1 died on 20.2.2016. According to the applicants, after death of applicant no.1, they required time to come out of shock of sudden death of applicant no.1. Learned counsel for applicants also pointed out that the matter is settled before Lok Adalat in the High Court.

2. Though learned AGP opposes the application, considering the above circumstances, it is desirable that the delay in filing appeal deserves to be condoned. Accordingly, delay is condoned. Legal representatives of appellant no.1 Mohansingh s/o Dhanusingh Rajput be brought on record. Appeal memo be amended accordingly.

3. In Civil Application No. 10449 of 2018, legal representatives of appellant no.2 have also filed application for refund of their half share in the compensation amount i.e. Rs.13,18,550/-. In Civil Application No. 10450 of 2018 legal representatives of appellant no.1 have also prayed for refund of their half share out of total deposited compensation amount of Rs. 26,37,100/-.

4. As observed above, the matter is compromised before the Lok Adalat and accordingly total compensation of Rs.26,37,100/- is deposited for

appellant no.1 Mohansingh s/o Dhanusingh Rajput and
appellant no.2 Shravansingh s/o Dhanusingh Rajput.

5. Learned AGP has gone through the award passed before Lok Adalat and he has no objection for refund of deposited amount of compensation to the legal representatives of appellant nos. 1 and 2, respectively.

6. Therefore, both Civil Applications are allowed. Amount of Rs. 13,18,550/- be refunded to applicant nos. 1A, 1B and 1C and Rs.13,18,550/- be refunded to applicant nos. 2A, 2B, 2C and 2D.

7. Both Civil Applications are disposed of.

[SUNIL K. KOTWAL, J.]

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