

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.12595 OF 2017 IN
CIVIL APPLICATION NO.8130 OF 2016 IN
FIRST APPEAL NO.1770 OF 2014

Dr.Chimandas Assanand Gursahani
(died), through his LRs:

Applicants

Versus

The State of Maharashtra & others

Respondents

Mr.Shrikant Kulkarni, advocate for applicants
Mr.A.D.Namde, A.G.P. for Respondents No.1 & 2.
Mr.A.S.Bajaj, advocate for Respondent No.3.

CORAM : M.S.SONAK, J.

DATE : 05th February, 2018.

P.C. :

1 On 6th October, 2017, this Court made the following
Order:

"Heard learned counsel for the appellant. It has been submitted that in Probate Petition, the applicant Nos.1-C was shown entitled to get the entire compensation amount. The other applicant Nos.1A and 1 B filed consent affidavit to issue probate in favour of applicant No.1-C in the said probate proceeding. Therefore, learned counsel prayed for requisite modification in the order passed by this Court dated 20.9.2016 and only the applicant No.1-C be allowed to withdraw the amount. In view of nature of subject matter the applicant to file consent affidavit of applicant Nos.1A and 1B in this matter for allowing the applicant No.1C to withdraw the compensation amount deposited in this court, as per the order passed by this court dated 20.9.2016.

2 On 27.11.2017, at the request of learned counsel for the applicant, matter was adjourned to 9th January, 2018.

 Upon perusal of the record, it is clear that consent affidavits of applicants no.1A and 1B are not filed.

 In view of the aforesaid, application seeking modification, cannot be considered and is required to be dismissed.

 Civil Application is, therefore, dismissed.

 If the applicants are able to secure written consent/affidavits of applicants no.1A and 1B, then the applicants shall have liberty to file a fresh application seeking for the same relief.

M.S.SONAK
JUDGE

adb