

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

938 CIVIL APPLICATION NO. 15344 OF 2017
IN FA/1260/2005

KUSUM SHRIRAM BHOSALE AND ORS
VERSUS
SHRIPAD SHANKARRAO BURKULE AND ORS

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Advocate for Applicants : Mr. Kale Mahesh P.
Advocate for Respondent no.3 : Mr. V. N. Upadhye

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CORAM : K.L.WADANE, J.
DATED : 22nd March, 2018

O R D E R :

This is an application filed by original claimants for correction of the operative order, dated 14.8.2017, passed in First Appeal No. 1260 of 2005.

2. Learned counsel for the applicants submits that during pendency of First Appeal No. 1260 of 2005 before this Court, respondent nos. 4 and 5 have died, however, at the time of passing of order, this fact was not brought to the notice of this Court. Therefore, the amount of compensation is granted to the appellant as well as respondent nos. 4 and 5. This position is not disputed by the learned counsel for the respondent.

3. In view of death of respondent nos. 4 and 5 during the pendency of appeal, there is no question of granting them compensation. Therefore, the operative order to that effect stands modified. In the operative order, in 4th line, words "and respondents no. 4 and 5" shall be deleted. Order stands corrected as aforesaid. Issue corrected copy accordingly.

(K.L.WADANE, J.)

dbm