

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

CIVIL APPLICATION NO. 3042/2018 AND CIVIL APPLICATION
NO.2804/2018 IN FIRST APPEAL NO.272/2018 (D)

Executive Engineer, Purna Medium Project, Achalpur .vs.Zinga Bholu tote
(Dead) and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Y. B. Mandape, Advocate for applicant/respondent
nos. 2(a) to 3 and 5.

Mrs. A. Joshi, Advocate for non applicant/appellant.

Mr. S. B. Bissa, A.G.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 9, 2018

These are the applications moved by original
respondent no.5, as legal representative of original
respondent no.1-Zinga.

Heard Mr. Mandape, learned counsel for the
applicant and Mrs. Joshi, learned counsel for the VIDC.

First Appeal No.372/2018 was filed before
this Court challenging the judgment and decree passed
by learned Civil Judge Senior Division, Achalpur dated
04.02.2014 in Land Acquisition Case No.24/2010. In the
said appeal, following were joined as respondents.
Respondent no.1-Zinga, respondent no.2-Sheru,
respondent no.3-Jinda, respondent no.4-Kalam (deleted)
respondent no.5-Bapurao, respondent no.6-State of
Maharashtra and respondent no.7-Special Land
Acquisition Officer.

The appeal is disposed of as withdrawn on 10.02.2018.

After the appeal was disposed of in Lok Adalat, it was noticed that Sheru, prior to filing of the appeal itself, has expired. Therefore, the application, i.e. Civil Application No.1465/2018 for bringing his legal representative was filed. The said application was allowed on 05.05.2018. As per the said order, legal representative of Sheru are already brought on record. Vide order dated 05.05.2018, this Court also passed order in Civil Application No.1467/2018 for withdrawal of the amount and directed that the amount deposited by the appellant-Corporation shall be transmitted in the joint account of the claimants along with interest.

In the meanwhile, it was also noticed that respondent no.1-Zinga has also expired. The present application is filed by his son Bapurao, who was already respondent no.5.

In the present application, it is specifically stated in paragraph 5 that except him, there is no other legal representative of Zinga. It is also stated that wife of Zinga has already deserted and abandoned him during his lifetime.

In view of the said, the legal representatives of respondent no.1-Zinga is already available on record. Therefore, Registry shall remit the amount in the joint account of claimants as directed by this Court on 05.05.2018. However, at the same time, an undertaking

shall be obtained from Bapurao, who has moved the present applications, that in case in future if wife of Zinga sets up a claim then in that event, he will have to indemnify the said lady.

With this, the applications are disposed of.

JUDGE

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