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

**941 CIVIL APPLICATION NO.1747 OF 2019
IN FA/3488/2008**

RAMA MAHADU JONDHALE AND ORS
VERSUS
GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION AND ORS

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Advocate for Applicants : Mr. K.D. Bade Patil
AGP for Respondents : Mr. S.J. Salgare

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**CORAM : P.R. BORA, J.
DATED : 29th JANUARY, 2019.**

PER COURT:-

. The present application is filed with a prayer that the legal heirs of deceased applicant no.2 i.e. original respondent no.2 in First Appeal No.3488 of 2008 be taken on record. It is further contended that First Appeal No.3488 of 2008 has been disposed of in Lok Adalat held on 14.07.2018.

2. Shri K.D. Bade Patil, the learned counsel appearing for the applicants submitted that since there was no notice to the present applicants, they were not aware of the fact that the said appeal has been placed before the Lok Adalat. The learned counsel submits that on the date the Lok Adalat has passed the order in the matter, original respondent

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no.2 was not alive neither his legal heirs were taken on record. The present application is therefore filed with a prayer that legal heirs of original respondent no.2 be taken on record.

3. In view of the fact that First Appeal No.3488 of 2008 has been disposed of in Lok Adalat, unless the said appeal is restored to its original file, no further orders can be passed in the said matter. However, it appears to me that when the matter has been finally disposed of in absence of the present applicant, it would be appropriate to remit the present applicant to the executing court to file the application which has been filed in this Court, which can be considered on its own merits by the said Court. In the circumstances, the following order is passed:

ORDER

i) The amount deposited by the acquiring body in First Appeal No.3488 of 2008 with interest accrued thereon be transmitted to the executing court i.e. Civil Judge Senior Division, Basmat within one month.

ii) It would be open for the present applicants to

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file an application before the said Court and if such application is filed, the said Court shall decide the same on its own merits and shall pass appropriate orders in regard to the disbursement of the amount of compensation falling to the share of original claimant no.2.

iii) The civil application stands disposed of.

(P.R. BORA, J.)

Mujaheed//