

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

**991 CIVIL APPLICATION NO.3447 OF 2019  
IN FA/705/2019**

MUNJAJI WAMANRAO DHAWALE DIED THR. HIS LRS PRASAD  
MUNJAJI DHAWALE AND ANR  
VERSUS  
THE EXECUTIVE ENGINEER, MAJALGAON CANAL DIVISION NO.10,  
PARBHANI UNDER GMIDC AURANGABAD AND ORS.

...  
Advocate for Applicants : Shri Nilkanth R. Pawade  
AGP for Respondent – State : Shri A.M.Phule  
Advocate for Respondent No.1 : Shri B.R.Surwase

...  
**CORAM : P.R.BORA, J.**  
**DATE: 6<sup>th</sup> March, 2019**

**PER COURT:-**

1 This application is filed with a prayer that the names of the legal representatives of deceased Munjaji Wamanrao Dhawale be taken on record.

2 It is brought to my notice that First Appeal filed by the Acquiring Body has been finally disposed of vide order passed on 14.02.2019. The present Court is thus not having any control over the matter now. It is anxiety of the applicants that the amount of compensation has been deposited by the Acquiring Body in this Court and unless the names are taken on record, they may not be in a position to withdraw the said amount.

3 It has to be clarified that whether the applicants as are mentioned in the present application are the only legal representatives of the deceased or otherwise cannot be decided by this Court and certain enquiry requires to be conducted by the

Reference Court. In the circumstances, the following order is passed:-

**ORDER**

I) The amount deposited by the Acquiring Body in this Court be transmitted to the concerned Reference Court alongwith interest accrued thereon.

II) It would be open for the applicants to file an application before the Reference Court for taking on record the legal representatives of deceased - original claimant. If such an application is filed, the Reference Court shall consider it on its own merits as expeditiously as possible and remit the amount to the applicants, if they are held as legal representatives of the deceased - original claimant.

III) Civil application stands disposed of.

**(P.R.BORA)**  
**JUDGE**

SPT