

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

**1002 CIVIL APPLICATION NO.3495 OF 2019
IN FA/757/2019**

MAROTI RAMJI AMOGHE (DIED) THR LRS

SOPAN MAROTI AMOGHE

.. Applicant

VERSUS

THE STATE OF MAHARASHTRA AD ANR

..Respondents

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Advocate for Applicant : Shri V.P. Latange

AGP for Respondent – State : Shri A.M. Phule

Advocate for Respondent No.2 – Shri S.G. Bhalerao

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CORAM : PR. BORA, J.

Dated: March 05, 2019

PER COURT :

1. The present application is filed for taking the legal heirs of deceased respondent in First Appeal No.757 of 2019 (Old First Appeal (St.) No.16479 of 2017) on record. The aforesaid appeal has been, admittedly, disposed of vide common judgment and order passed by this Court on 18.02.2019. Since this Court is now seized of the said matter, no further orders can be passed by this Court in the present application. It is the contention of the learned Counsel for the applicant that, the amount deposited by the Acquiring Body is lying in this Court and the present applicant is entitled to withdraw the said amount, however, since his name is not taken on record, he is unable to withdraw the same.

2. It appears to me that, whether the present applicant is

the only legal heir of the deceased or otherwise can only be decided after due enquiry. In the circumstances, I deem it appropriate to pass the following order.

ORDER

(i) The amount found payable to the respondent – Orig. claimant in First Appeal No.757 of 2019 (Old - First Appeal (St.) No.16479 of 2017) as per the modified Award in terms of the order passed by this Court on 18.02.2019, be transmitted to the Executing Court i.e. Civil Judge, Senior Division at Ahmedpur within a period of month. The balance amount be refunded to the Acquiring Body.

(ii) It would be open for the present applicant to file an application before the Executing Court for taking his name on record as a legal heir of the original claimant and if such an application is filed, the Executing Court shall decide the said application as expeditiously as possible and thereafter, remit the amount, payable to the original claimant, to the legal heirs of the said claimant along with the interest accrued thereon.

(iii) Civil Application stands disposed of.

(**P.R. BORA, J.**)