

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4622 OF 2019
IN FA/2185/2016

FULCHAND RANGLAL LOYA DIED THR LRS SURAJ
VERSUS
M.I.D.C. THR REGIONAL OFFICER, LATUR AND ORS

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Advocate for Applicant : Shri R. F. Totla h/f Mandhani A. H.
AGP for Respondent – State : Shri R. D. Sanap
Advocate for Respondent No. 7: Shri Sushant Choudhari h/f V. B. Jadhav
Advocate for Respondent Nos. 8 to 10 : Shri V. G. Kodale

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**CORAM : T.V. NALAWADE &
K.K. SONAWANE, JJ.**
DATE : 16TH JULY, 2019

ORDER :

1. Application is filed for modification of order made by this Court dated 6-2-2019. Learned counsel for the applicant submits that in other matter this Court had expressed that if sisters had some grievances and her brothers had done some mischief, it will be open to sisters to take appropriate action against brothers. Copy of the said order made by this Court in Civil Application No. 9393 of 2018 in First First Appeal No. 2190/2016 (Laxman Ganpati Madane through LR. Vs. M.I.D.C., through Regional Officer, Latur & Ors.) is pointed out to this Court. This order has no connection with the distribution of compensation in the present matter.

2. It appears that in application No. 15336/17, filed in Appeal No. 2185/16, this Court had observed that the sisters in the present matter

need to take appropriate steps against the brothers who had already collected some amount behind their back. Sisters had come to this Court for releasing the amount of their share. At that time, there was no order of releasing entire enhance amount to the extent of 100 % and considering the prayer of the sisters and releasing that amount would have amounted to releasing 100 % amount deposited with this Court by the acquiring body.

3. Subsequently, the present applicant approached to the Apex Court and by the order dated 26-10-2018, the Apex Court allowed the applicant to withdraw 100 % of enhanced amount on the conditions mentioned in the order. Then application was moved by the applicant before this Court for disbursement of the 100 % amount as per the order of the Apex Court. As the sisters have already come to this Court and they have made the claim of the aforesaid nature, this Court considered the Civil Application No. 14731 of 2018 following First Appeal No. 2185 of 2016 and observed that the claim of sisters was probably not brought to the notice of Apex Court by the present applicant. As the applicant is trying to collect 100 % amount and due to that there will be no consideration of share of the sisters, this Court asked the applicant to get clarification from Apex Court as to whether he alone is entitled to get 100 % of the compensation amount deposited with this Court. Though this order came to be made on 6-2-2019, applicant is coming to this Court for review of the order and the learned Counsel submitted that the sisters may go to the Supreme Court for obtaining some order. It can be said that already 50 %

amount is collected by the applicant and only he is in a position to approach the Apex Court and that is why he needs to get clarification that he is entitled to get entire 100 % amount of compensation. This Court sees no reason to review the order made by this Court on 6-2-2019. Application stands rejected.

(K. K. SONAWANE, J.)

(T.V. NALAWADE, J.)

SVH