

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3887 OF 2019

IN

FIRST APPEAL NO.4383 OF 2016

**(Babasaheb Kathalu Wature, died through L.Rs.Radhabai
and others Vs. The Executive Engineer, Majalgaon Canal
Division No.10, Parbhani)**

Mr. N.K. Tungar, Advocate for the applicants
Mr. R.V. Dasalkar, A.G.P. for the respondent/State
Mr. S.G. Bhalerao, Advocate for respondent No.1

CORAM : SUNIL K. KOTWAL, J.

DATE : 15th MARCH, 2019

ORDER :

Heard.

2. First Appeal No.4383/2016 is already withdrawn by the Acquiring Body along with other connected First Appeals as per order dated 16th February, 2018. This Court has already granted permission to the original claimant to withdraw deposited compensation amount in this Court. Thereafter, original claimant died on 16th September, 2017. Therefore, his application is filed by the legal representatives of original claimant namely

Babasaheb Kathalu Wature to modify the order passed by this Court in aforesaid First Appeal to permit the applicants to withdraw the deposited compensation amount.

3. Heard learned A.G.P. for the State. He has not disputed that the applicants are the legal representatives of the deceased claimant namely Babasaheb Kathalu Wature. Otherwise also, the heirship certificate issued by the Village Development Officer shows that the applicants are the only legal representatives of deceased claimant Babasaheb Kathalu Wature. Therefore, I do not find any hesitation to allow the applicants to withdraw the remaining compensation amount with accrued interest therein lying in this Court in first Appeal No.4383/2016. The Civil Application is allowed in terms of prayer clause (B) and disposed of.

[SUNIL K. KOTWAL]
JUDGE