

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

45 CIVIL APPLICATION NO.1060 OF 2019
IN RC/1437/2018 WITH CA/1061/2019 IN RC/1437/2018

PANDURANG RANGNATH DEVKATE (DIED) THR LRS SARASWATI AND
ORS

VERSUS

THE EXECUTIVE ENGINEER L.M.I. DIVISION, LATUR AND ORS

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Advocate for Applicants : Mr.S.V. Gundre

AGP for Respondents:Mr. P.M. Kulkarni

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CORAM : P.R. BORA, J.

Date: January 21, 2019

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PER COURT :-

1 The present application is filed for taking on record the legal representatives of the deceased Pandurang Rangnath Devkate who was respondent in First Appeal stamp No.1577 of 2017.

2 This Court, vide order passed on 26.9.2018, has disposed of the aforesaid appeal since the delay caused in filing the said appeal was not condoned by the Court. Thus the appeal on stamp number impliedly stands disposed of. Now, the present application is filed for taking on record the legal heirs of the respondent i.e. original claimant in the said appeal so that the amount deposited by the acquiring body in the said appeal can be withdrawn by the said Legal Representatives.

3 Since after disposal of the appeal, this Court has become
functus officio in so far as that appeal is concerned, the present
application can only be considered by the executing Court in the
execution proceedings and the necessary inquiry can also be
conducted by the executing Court.

4 In the circumstances, I deem it appropriate to transmit the
amount which has been deposited by the acquiring body in this
Court in the aforesaid appeal to the concerned Court I .e. Civil
Judge, Senior Division, Latur, which has decided the Land
Acquisition Reference. The present applicant may file necessary
application before that Court which may adjudicate it in
accordance with law on merits as expeditiously as possible.

5 In view of the aforesaid order, the application filed for
withdrawal of the amount by the present applicant stands
disposed of.

(P.R.BORA)
JUDGE