

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

**25 CIVIL APPLICATION NO.14426 OF 2019
IN FA/347/2018**

NIVRUTTI DAMU GAIKWAD (DIED) THR LRS KISAN NIVRUTTI GAIKWAD
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD
AND ANR

...
Advocate for Applicant : Mr. Patne Santosh N.
AGP for Respondent no. 2: Mr. Y.G. Gujrathi
Advocate for Respondent no.1 : Mr. G.B. Rajale
...

CORAM : MANGESH S. PATIL, J.

DATE : 11.12.2019

PER COURT :

Heard.

2. Issue notice to the respondents. The learned advocate Mr. Rajale waives service for the acquiring body and learned A.G.P. waives service for the State.

3. This is an application by the legal representative of the original claimant who are unable to withdraw the compensation amount deposited by the acquiring body.

4. The record reveals that the First Appeal preferred by the acquiring body is withdrawn in the Lok Adalat dated 17.03.2019. The original claimant Nivrutti Damu Gaikwad died on 11.04.2019. His widow Sundra Nivrutti Gaikwad died on 28.09.2019. The Sarpanch has certified

that the applicant is the only heir of deceased Nivrutti and Sundar.

5. In view of the above, the application is allowed. The applicant is allowed to be brought on record as a legal representative of the original claimants. Necessary amendment to be carried out in the appeal memo forthwith. After such amendment the applicant is allowed to withdraw the amount.

(MANGESH S. PATIL, J.)

habeeb