

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

**CIVIL APPLICATION NO. 6830 OF 2020
IN
FIRST APPEAL NO. 57 OF 2018**

Dr. Saquib Abbas Khan s/o Hamid Ali Khan
Kayamkhani

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

**WITH
CIVIL APPLICATION NO. 6530 OF 2020
IN
CIVIL APPLICATION NO. 4667 OF 2020
IN
CIVIL APPLICATION NO. 8378 OF 2015
IN
FIRST APPEAL NO. 57 OF 2018**

Hamid Ali Khan s/o Maheboob Ali Khan
Died Through L.Rs.

..APPLICANTS

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. V.D. Gunale, Advocate for applicants
Mr. S.S. Dande, A.G.P. for respondent – State
Mr. Y.M. Khan, Advocate for original claimants

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**CORAM : SUNIL P. DESHMUKH AND
R.G. AVACHAT, JJ.
DATED : 27th OCTOBER, 2020**

PER COURT :

Learned counsel for applicant submits that, applicant in his individual capacity and as well as legal heir of deceased Hamid Ali Khan s/o

Mehboob Ali Khan Kayamkhani, including Maimuna Banu – mother of present applicant, were claimants in Land Acquisition References filed alongwith legal representatives of deceased Jamshid Amir Ali Khan.

2. After decision in the respective first appeals filed by claimants and acquiring body/State, present applicant as legal representative along with other legal heirs of deceased Maimuna Bano had filed Civil Application No. 4667 of 2020 for withdrawal of amount as prayed for in prayer clause (B) therein as shown in Exhibit “P-6” to said application.

3. Since Civil Application No. 4667 of 2020 had been moved by present applicant in the capacity of legal representative of deceased Maimuna Bano along with her other legal heirs, the application had been allowed accordingly. Amount due and payable to applicant in that capacity is accordingly paid.

4. Learned counsel for applicant submits that said Exhibit “P-6” of Civil Application No. 4667 of 2020 also refers to the amount of compensation payable to present applicant in his individual capacity at the bottom. This is a separate application, since no specific request for said amount payable to present applicant in his individual capacity, has thus far been made in respect of amount he is entitled to. Hence present application for withdrawal of said amount.

5. Learned Assistant Government Pleader does not have any particular resistance to offer to the request made under the application. Learned counsel for applicant further refers to that other claimants have no objection for the same and states that their counsel Mr. Y.M. Khan, who is present before court, has been instructed accordingly. Mr. Khan, learned counsel states that statement by learned counsel Mr. Gunale is in accord with his instructions.

6. No further proceeding after the decision in first appeal appears to have been preferred by State / Acquiring Body. Having regard to that there is no particular resistance on behalf of the State and acquiring body and other claimants do not appear to have any objection to the amount as shown in present applicant's name in Exhibit "P-6" of Civil Application No. 4667 of 2020, we deem it appropriate to grant Civil Application No. 6830 of 2020 and, as such, applicant would be at liberty to withdraw the amount of compensation due to him. Civil Application No. 6830 of 2020 is disposed of accordingly.

7. In view of aforesaid order, learned counsel for applicant does not press for Civil Application No. 6530 of 2020 and same is disposed of as well.

(R.G. AVACHAT, J.)

SSD

(SUNIL P. DESHMUKH, J.)