

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

**91 CIVIL APPLICATION NO.1205 OF 2020
IN FAST/38193/2017**

MUNSHI ATIK ABDUL KHAYUMSAB AND ANR
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIVISION OSMANABAD
AND ORS

...
Advocate for Applicants : Mr.Apparao Yenegure
Advocate for Respondent No.1 : Mr.M. S. Kulkarni
AGP for Respondents No2 & 3 : Mr.P.M.Kulkarni
...

CORAM : K.K.SONAWANE, J.

DATE: 17th February, 2020

PER COURT:-

1. Present application is filed by respondent No.2 and 3-claimants seeking permission for withdrawal of decretal amount.

2. It has been submitted that applicant-Acquiring Body filed the appeal against the impugned Judgment and order passed by the learned Reference Court in LAR No.36 of 2010. The original claimant No.1- Munshi Amisa Abdul Khayumsab and present two applicants filed the reference petition under Section 18 of the Land Acquisition Act, 1894, which came to be partly allowed by the Reference Court. It has been contended that original claimant No.1-Munshi Amisa Abdul Khayumsab is no more and died on 26.06.2013. Applicants are the only legal heirs of deceased claimant No.1-Munshi Amisa Abdul Khayumsab. Therefore, they filed present application seeking withdrawal of the decretal amount.

3. It is to be noted that appellant-Acquiring Body has filed the appeal accompanied with application for condonation of delay against the claimants including present two applicants. The legal heirs of deceased claimant No.1-Munshi Amisa Abdul Khayumsab are yet to be brought on record. The applicants did not produce any documents about death certificate as well as heir-ship certificate. In such circumstances, the application cannot be taken into consideration for granting permission for withdrawal of compensation amount. Hence, application being inapt deserves to be dismissed. Accordingly, application stands dismissed.

(K.K.SONAWANE)
JUDGE

SPT