

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

**60 CIVIL APPLICATION NO.198 OF 2020
IN FA/1847/2017**

BANSI NAMDEO KEDAR AND ORS.
VERSUS
G.M.I.D.C., THR ITS EX. ENGINEER AND ORS.

...
Advocate for Applicants : Mr.Shrikant Kulkarni
Advocate for Respondent No.1 : Mr.S.U.Shaikh h/f.
Mr.R. D. Biradar

...
CORAM : K.K.SONAWANE, J.
DATE: 13th January, 2020

PER COURT:-

1. Heard learned counsel for the applicants and learned counsel for respondent No.1.
2. Applicants No.1 and 2-original claimants have filed the present application for withdrawal of the compensation amount. The legal heirs of original claimant No.3-Ramkishan Raghunath Kedar, who died on 22.01.2019 prayed for permission to allow them to join the original claimants No.1 and 2 for withdrawal of the compensation amount.
3. According to learned counsel for the applicants, deceased original claimant No.3- Ramkishan Raghunath Kedar alongwith other claimants namely Bansi Namdeo Kedar and Madhukar Namdeo Kedar preferred Reference Petition under Section 18 of the Land Acquisition Act, 1894, for enhancement of compensation amount. The Reference Court considered the circumstances on record and partly allowed the Reference Petition and granted enhancement of compensation amount. Dis-satisfied with the finding of enhancement of compensation amount, the Acquiring Body preferred First Appeal No.1847 of 2017. The appeal moved by the Acquiring Body came to be partly allowed by some modification in the award in respect of granting of interest under

Section 28 and 34 of the Land Acquisition Act, 1894. Pending the appeal, the Acquiring Body deposited entire amount of compensation in this Court as per order of the Reference Court. However, at this juncture, the original claimants No.1 and 2 alongwith the legal heirs of the deceased claimant No.3-Ramkishan Raghunath Kedar are intending to withdraw compensation amount enhanced by the Reference Court. But, the applicants No.3/1 to 3/3, being legal heirs of deceased claimant No.3-Ramkishan Raghunath Kedar are not on record. Therefore, they moved the present application seeking permission to join the other claimants No.1 and 2 namely Bansi Namdeo Kedar and Madhukar Namdeo Kedar for withdrawal of amount.

4. In view of aforesaid circumstances, there is no impediment to allow present applicants No.3/1 to 3/3, being legal heirs of deceased claimant No.3- Ramkishan Raghunath Kedar, alongwith with other claimants for withdrawal of the compensation amount. The applicants No.3/1 to 3/3 filed the extract of legal heir-ship certificate issued by the concerned Civil Judge. The same is taken on record and marked as 'X' for identification.

5. In view of above, application stands allowed in terms of prayer clause-'B'. The original claimants No.1 and 2 i.e. respondents No.1 and 2 in First Appeal No.1847 of 2017 accompanied with the present applicants No.3/1 to 3/3, legal heirs of deceased respondent No.3-Ramkishan Raghunath Kedar are hereby permitted jointly to withdraw the amount deposited by the Acquiring Body in this Court as per modification suggested vide Judgment delivered by this Court dated 17.01.2019.

6. Accordingly, application stands disposed of.

(K.K.SONAWANE)
JUDGE

SPT