

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

**CIVIL APPLICATION NO. 4008 OF 2021
WITH
CIVIL APPLICATION NO. 4006 OF 2021
IN
FIRST APPEAL STAMP NO. 10505 OF 2019**

1. Bhagwat Vithoba Hole[Died]
Through Legal representatives
1/1. Smt. Sangita w/o Bhagwat Hole and ors ... Applicants
Versus
The State of Maharashtra and others ... Respondents

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Mr. G. K. Sontakke, Advocate for the applicants
Mr. S. S. Dande, AGP for respondent No.1
Mr. S. C. Arora, Advocate for respondent Nos. 3 and 4

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CORAM : R. G. AVACHAT, J.

DATED : 23rd JULY, 2021

PER COURT :-

. Heard.

2. The original claimant died pending the Reference. The award has been passed a year thereafter. The legal representatives of the deceased claimant were not before the Reference Court. The appeal has been preferred by the acquiring body against the award passed by the Reference Court. As such, it is a case of an award having been passed in favour of the deceased. For continuation of

the present appeal, the legal representatives of the deceased have to be on record. In view of the same, Civil Application No.4008 of 2021 is allowed.

3. After the legal representatives having been brought on record, 40% of the amount deposited in this Court, be paid to the applicants on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount be fixed in any nationalised bank, pending the appeal.

4. Both the civil applications stand disposed of.

[R. G. AVACHAT, J.]

SMS