

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 CIVIL APPLICATION NO.7431 OF 2020
IN FA/1018/2004 WITH CA/7432/2020 IN
FA/1018/2004 WITH CA/10921/2019 IN
FA/1018/2004

NATHA MADHAV SHELKE (DIED) THR LRS SUMAN
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Mr.B.N. Palve, Advocate for the applicant.
Mr.A.A. Jagatkar, AGP for respondent/State.

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CORAM : V.L.ACHLIYA,J.
DATE : 25.01.2021

ORAL ORDER :

Heard.

2. Civil Application No.7432 of 2020 is filed to bring on record the legal representatives of deceased Bhagwan S/o Madhav Shelke, who died on 31st March, 2018.

3. It is submitted that the appeals were heard and disposed of by this Court (Coram : T.V. Nalawade, J) vide judgment and order dated 11th February, 2016. The appeals were dismissed. During pendency of appeals in terms of conditional order passed by this Court, the appellant-acquiring body has deposited the amount with this Court. The

amount deposited in this Court has been transferred to the Reference Court. However, the interest accrued over the amount invested in the fixed deposit still lying with this Court.

4. In view of disposal of appeals, there is no question of entertaining the application seeking permission to bring legal representatives on record in application seeking withdrawal of amount filed by the applicants. The amount if any deposited and lying with this Court can be transferred to the Reference Court. On transfer of amount, the applicants can move the Reference Court seeking withdrawal of amount by establishing their entitlement to receive the amount.

5. The amount if any deposited/ invested and available for disbursement in appeal then same be transferred to the Reference Court with interest accrued thereon. The applicants will be at liberty to make application before the Reference Court for withdrawal of amount. In case, such application is made, the Reference Court is directed to decide the application on its own merit. On satisfaction that the applicants

are entitled to receive the amount to be payable in terms of award passed by the Reference Court, then pass the appropriate order as to disbursal of amount.

6. The applications are disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

SGA