

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO.7483 OF 2021
IN FA/1167/2010

RAGHUNATH NARSOBA SURYAWANSHI (DIED)
THR LRS. DNAYNOBA RAGHUNATH
SURYAWANSHI AND OTHERS

VERSUS

G.M.I.D.C., AURANGABAD
THR ITS EXECUTIVE ENGINEER,
LATUR MINOR IRRIGATION DIV., LATUR
AND OTHERS

Advocate for Applicants : Mr Dhananjay Mane h/f Mr Milind Patil
Advocate for Respondent No. 1 : Mr B.A. Shinde
AGP for Respondent Nos. 2 and 3/State : Mrs P.V. Diggikar

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 16th DECEMBER, 2021

PER COURT :

1. It is an application moved by the applicants seeking permission to withdraw the amount deposited by the respondent/acquiring body in this Court along with accrued interest thereon by permitting them to bring themselves on record in First Appeal No. 1167/2010.

2. Heard Mr Dhananjay Mane, learned counsel holding for Mr Milind Patil, learned counsel for the applicants, Mr B.A. Shinde, learned counsel for respondent No.1 and Mrs P.V.Diggikar, learned AGP for State/ Respondent Nos. 2 and 3.

3. Mr Dhananjay Mane learned counsel holding for Mr Milind Patil, learned counsel for the applicants seeks leave to place on record a true copy of the succession certificate issued by the competent court by way

of compliance of order passed by this Court on 5th August, 2021. Leave granted.

4. True copy of the succession certificate issued by the competent authority is taken on record and marked 'X' for identification.

5. The applicants are found to be the legal heirs of original claimant deceased Raghunath Narsoba Suryawanshi. The appeal came to be disposed of by common Judgment and order dated 8th February, 2019. However, the appeal seems to have proceeded further without bringing legal heirs of original claimant and came to be disposed of. Be that case as it may. Now the question is about payment of compensation deposited by the acquiring body in this Court. In view of copy of succession certificate issued by the competent authority, present applicants are found to be the legal heirs left behind by the original claimants. Now, the appeal is disposed of. As such, there is no propriety to keep the amount with the Registry. The application needs to be allowed.

ORDER

- (I) The application is hereby allowed.
- (II) The Registry to make payment of compensation with accrued interest deposited by the Collector/Respondent No.1 with the Registry to the applicants as per procedure.
- (III) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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