

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAF) Nos.1394 of 2020, 1393 of 2020, 1395 of 2020, 1396 of 2020
IN
First Appeal No.1160 of 2013 (D)

The General Manager, Western Coalfields Ltd. Vs. Dyaneshwar Bapurao Kinake & Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Tushar Darda, Advocate for the Appellant.
Shri S.O. Ahmed, Advocate for Respondent No.1.
Shri M.A. Kadu, A.G.P. for Respondent Nos.2 and 3.

CORAM : S.M. MODAK, J.
DATE : 4th JANUARY, 2021.

Heard both the sides.

This Court as per the common judgment dated 15th January, 2019 has decided First Appeal No.1160/2013. The claimant/respondent No.1 – Dyaneshwar expired on 9th November, 2018. Copy of death certificate is filed on record. So, he expired prior to disposal of the judgment.

This Court has confirmed the rate ascertained by the Reference Court. When the legal representatives of the claimant have come for withdrawal, they have understood that their names have to brought on record. Hence, all these applications i.e. Civil Application (CAF) Nos.1394/2020, 1393/2020, 1395/2020. The legal representatives were not aware that their names ought to have been brought on record. Hence, for the reasons stated in all these applications, they are required to be allowed. Hence the order:-

The delay caused in bringing legal representatives on record is condoned.

The abatement of the appeal against respondent No.1 is set aside.

The names of legal representatives mentioned in the title cause be taken on record.

The appellant to carry out necessary amendments.

These civil applications are disposed of.

Civil Application (CAF) No.1396/2020

The appellant has deposited Rs.7,18,502 on 21st June, 2016. It is told that earlier there was no withdrawal. They are agreeable for distribution equally amongst the three legal representatives. They are wife, son and daughter of the original claimant/deceased – Dyaneshwar. They can decide amongst themselves in whose account or joint account the amount be transferred. They are directed to give that information in the Office. Hence the direction:-

The Office is directed to transfer an amount of Rs.7,18,502 along with the accrued interest equally amongst the three legal representatives i.e. Smt. Sunanda, Nilesh and Nilima after giving necessary bank details to the Office and on personal identification.

The civil application is disposed of.

JUDGE