

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

FIRST APPEAL NO. 123 OF 2017

(Vasanta s/o Laxman Mehetre and ors. Vs. State of Mah. & anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.S. Wandile, Advocate for the appellants.
Shri A.M. Kadukar, A.G.P. for respondent No. 1.
Ms. A.S. Athalye, Advocate for respondent No. 2.

CORAM:- PUSHPA V. GANEDIWALA, J.

DATED :- AUGUST 04, 2021

**Civil Application Nos. 1240/2020, 1037/2020, 1239/2020
And 1241/2020**

The appellants seek to bring on record the legal representatives of the deceased appellant No. 2 after condoning the delay in filing the application.

2. The appeal was disposed of by judgment dated 08/08/2019. Learned counsel for the appellant in paragraph No. 6 of Civil Application No. 1037/2020 states that due to inadvertence, the legal representatives of the appellant No. 2, remained to be brought on record.

3. One of the legal representatives of deceased/appellant No. 2 is already on record i.e. appellant No. 4 – Ramesh s/o Maroti Mehetre.

4. Learned counsel for the appellant states that the legal representatives whose names are specified in

paragraph No. 6 of Civil Application No. 1037/2020 are the other legal representatives of the deceased-appellant No. 2 who are required to be brought on record. Hence, there is no abatement. Hence, the applications are allowed.

5. The legal representatives of the deceased-appellant No. 2 whose names are specified in paragraph No. 6 of the Civil Application No. 1037/2020 be brought on record within a period of one week. Cause title be amended accordingly.

6. All civil applications stand disposed of.

Civil Application Nos. 1243/2020

1. This is an application for correcting the names of legal representative of appellant No. 3.

2. The applicant/appellant No. 4 states that at the time of bringing legal representatives of respondent No. 3 on record, the name of legal representative of Sudhakar s/o Vasant Mehetre was given as Krish, since at home he is called by his pet name. However, it is submitted that in the birth certificate at Annexure-A and in other documents his name is 'Yug Sudhakar Mehetre'.

3. Learned counsel seeks permission to correct the name of Krish as 'Yug @ Krish Sudhakar Mehetre'.

4. Considering the above submission, the application is allowed.

5. Necessary amendment be carried out within a period of one week.

6. The civil application stands disposed of accordingly.

Civil Application Nos. 1242/2020

1. By way of this application, the applicant/appellant No. 4 sought directions that an amount of compensation to the share of minor by name Yug @ Krish Sudhakar Mehetre i.e. around Rs. 9,00,000/- (1/4th share) (Rs. Nine lakhs only) be deposited in Fixed Deposit with Central Bank of India, Salod (Hirapur), Tah. & Dist. Wardha where the minor is holding the joint bank account with his grandmother by name Smt. Shantabai Vasant Mehetre.

2. It is further prayed that the periodical interest accrued on Fixed Deposit amount be deposited in the joint bank account of minor with his grandmother Smt. Shantabai Vasant Mehetre bearing account No. 3985050562 which shall be utilized for the education of the minor.

3. Considering the nature of the prayer made and in order to safeguard the interest of the minor, the application is allowed in terms of prayer clauses (i) and (ii) which are reproduced below :

“i) to allow the application and be pleased to order deposit of 1/4th share of compensation in Central Bank of India,

Salod, Tal. and Dist. Wardha, in the name of Yug @ Krish Sudhakar Mehetre, and further

ii) direct the Central Bank of India, Salod (Hirapur), Ta. and District Wardha to deposit/transfer the interest accrued on fixed deposit every month in the joint Bank Account No. 3985050562 of Yug @ Krish Sudhakar Mehetre and Shantabai Vasant Mehetre.”

4. The civil application stands disposed of accordingly.

JUDGE

**DB*