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

911 CIVIL APPLICATION NO.1509 OF 2022
IN CA/4627/2020 IN FA/3569/2019

LAXMAN ABA GAIKWAD (DIED), THR. LRS
GANGADHAR AND ORS.

VERSUS

THE ADMINISTRATOR, CITY AND INDUSTRIAL DEV. CO.
OF MAHARASHTRA (CIDCO), AURANGABAD AND
OTHERS

...

Ms S. P. Kakade, Advocate for applicants;
Mr A. S. Bajaj, Advocate for respondent No.1
Mr S. G. Sangle, A.G.P. for respondent No.2
Mr Tarbez Uddin Quadri, Advocate for respondent Nos.4-2-ii to
4-2-4

WITH

CIVIL APPLICATION NO.1510 OF 2022
IN CA/11716/2019 IN FA/3569/2019

PRAYAGBAI DEVRAO GAIKWAD
VERSUS

LAXMAN ABA GAIKWAD (DIED), THR. LRS
GANGADHAR AND ORS.

...

Mr R. B. Singare, Advocate for applicants
Ms. S. P. Kakade, Advocate for respondent Nos.1 to 5
Mr S. G. Sangle, A.G.P. for respondent No.6
Mr A. S. Bajaj, Advocate for respondent No.7

**CORAM : RAVINDRA V. GHUGE
AND
S. G. DIGE, JJ.**

DATE : 5th April, 2022

PER COURT:

1. We have heard the learned Advocates for the respective

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sides and perused the order passed by this Court, dated 19/03/2021 in Civil Application No.4627/2020.

2. Considering the averments and the submissions of the learned Advocates and the order of this Court [Coram : B. R. Gavai (as his Lordship then was) and N. D. Deshpande, JJ.], dated 08/10/2009, this civil application is partly allowed.

3. Paragraph 7 of the order dated 19/03/2021 shall now read as under :-

We direct that,

(a) 25% of the deposited amount of Rs.3,62,87,337.00, be retained in the Registry of this Court and to be invested in Fixed Deposit Receipts with any Nationalized Bank, initially for a period of 3 years, and to be renewed thereafter from time to time, till the first appeal is decided.

(b) 50% can be withdrawn, on furnishing personal affidavit undertakings through an Advocate, stating therein that, if the claimants are found to have received excess amount after the first appeal is decided, the excess amount shall be redeposited in this Court within 8 weeks, failing which, the said amount shall carry interest @ 3% p.a. from

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the date of withdrawal.

(c) 25% of the total amount, shall be released on furnishing solvent surety.

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4. By this application, the applicant desires to bring the legal heirs of deceased Kakasaheb Piraji Thombre, on record. The learned Advocate, who earlier appeared for the deceased Kakasaheb, submits that he can appear for the legal heirs. The legal heirs of deceased Atmaram are already brought on record.

5. In view of the above, this civil application is allowed.

6. The legal heirs of deceased Kakasaheb, be brought on record within a period of two weeks.

7. The learned Advocate causes an appearance on behalf of the legal heirs.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

sjk