

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

902 CIVIL APPLICATION NO.3253 OF 2021

IN CA/13930/2016 IN FA/2328/2014

PRALHAD DULA KHADKE (DECEASED) SHANTABAI PRALHAD KHADKE
(DECEASED) THROUGH LRS NALINI MAHAJAN AND OTHERS

VERSUS

THE AREA MANAGER, MAHARASHTRA INDUSTRIAL DEVELOPMENT
CORPORATION, JALGAON AND OTHERS

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Advocate for Applicants : Mr. Kuldeep Patil, h/f Ms. Usha V. Yadav.

Advocate for Respondent No.1 : Mr. G. S. Khaire, h/f Mr. S. S. Dande.

AGP for Respondent Nos.2 & 3: Mr. A. B. Chate.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 17th February, 2022.

P.C.:

. It is an application seeking permission to delete the name of applicant/claimant No.1/2/C Pramila @ Pratibha Vasant Narkhede from the title clause of Civil Application No.13930 of 2016 with further prayer to allow remaining applicants to withdraw the compensation amount as per the order passed by this Court dated 8th December, 2016 in Civil Application No.13930 of 2016.

2 Heard Mr. Kuldeep Patil, holding for Ms. Usha Yadav, learned counsel for applicants, Mr. G. S. Khaire, holding for Mr. S. S. Dande, learned counsel for respondent No.1/MIDC and Mr. A. B. Chate, learned AGP for respondent Nos.2 and 3.

3 Mr. Kuldeep Patil, learned counsel for applicants submits that claimant No.1/2/C Pramila @ Pratibha Vasant Narkhede is expired and she has no legal heirs. As such, her name may be deleted from the title clause of Civil Application No.13930 of 2016 so that remaining applicants may withdraw the compensation amount as per the order passed earlier by this Court in Civil Application No.13930 of 2016 dated 8th December, 2016.

4 Mr. Kuldeep Patil, learned counsel for applicants further seeks leave to place on record the affidavit alongwith annexures sworn by Vasant Chindlu Narkhede, who happens to be husband of deceased Pramila @ Pratibha Vasant Narkhede. Leave granted. The affidavit is taken on record and marked as 'X' for identification.

5 Mr. Kuldeep Patil, learned counsel for applicants further points out that the name of claimant No.1/2/C Pramila @ Pratibha Vasant Narkhede has been deleted from the array of appeal memo as per the order passed by the Registrar (Judicial) of this Court dated 13th August, 2019 and he seeks leave to place on record copy of that order. Leave granted. Copy of order passed by the Registrar (Judicial) is taken on record and marked as 'Y' for identification.

6 Having regard to the submissions of the learned counsel for applicants, in view of the affidavit sworn by the husband of the

deceased and in view of the fact that the name of the deceased is already deleted from the array of appeal memo, it would be just and appropriate to allow this application. Hence, the following order is passed:

ORDER

- I. The civil application is hereby allowed in terms of prayer clause (B).
- II. The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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