

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

973 CIVIL APPLICATION NO.6562 OF 2022
IN FA/667/2019

DEVIDAS LIMBA RATHOD (DIED) THR LRS SAGARBAI AND ORS
VERSUS
ASARAM GABARU AADE

...
Advocate for Applicants : Mr. Savant Vilas P
Advocate for respondent : Mr. S. E. Shekade h/f Madhuri Jain
....

CORAM : S. G. DIGE, J.
DATE : 19.07.2022

PER COURT :-

Heard learned counsel for the applicants and learned counsel for the respondent.

2. Learned counsel for the applicants submits that original appellant Devidas Nimba Rathod died during pendency of the appeal. Thereafter appeal is disposed of. During pendency of the appeal no one inform demise of Devidas Rathod to the learned counsel for the applicant hence correction could not be done during the pendency of the appeal.

3. The amount of Rs. 25,000/- is deposited by original appellant Devidas before this Court. Now appeal is disposed of hence legal heir of applicants are entitled to withdraw the

amount of Rs. 25,000/- which is deposited, hence requested to allow the application.

4. Learned counsel for respondent objected for the withdrawal of the amount. Considering submissions of the learned counsel for the applicants as well as reasons mentioned in the application, application is allowed in terms of prayer clause 'A'. Delay is condoned for filing the application. Application is disposed of. Applicant to make necessary correction. Steps to be taken within two weeks.

**(S.G. DIGE,)
JUDGE**

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