

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

29 CIVIL APPLICATION NO.9818 OF 2022
IN FIRST APPEAL NO.370 OF 2018

ASHOK BHIMRAO KHARAJGE & OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION
DIVISION, LATUR & OTHERS

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Advocate for the applicants : Mr.S.S.Halkude
AGP for Respondent-State : Mrs.D.S.Jape
Advocate for Respondent no.1 : Mr.S.G.Bhalerao

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CORAM : S.G.DIGE, J.
DATE : 18.07.2022

P.C. :

1] Heard the learned counsel for the applicants and the learned counsel for the respondents. The learned counsel for the applicants submits that applicant no.12, namely, Shivaji Trimbak Sontakke is died after disposal of the First Appeal. The amount deposited before this Court is necessary to withdraw the amount. The heirs and legal representatives of the deceased have taken heirship certificate from the Competent Court, hence, permission may be given to the heirs and legal representatives of the deceased to withdraw the deposited amount.

2] I have heard both learned counsel. The appeal is already disposed of by this Court, by order dated 10th

January, 2019. After disposing of the First Appeal, respondent no.12 is died. The applicants are claiming heirs and legal representatives of the deceased. They have obtained certificate from the Competent Court, hence, they can be permitted to withdraw the amount deposited before this Court and I pass the following order :-

ORDER

- i] Civil Application is allowed. The applicants are permitted to withdraw the amount deposited before this Court.
- ii] The learned Registrar [Judicial] shall verify the heirship certificate.
- iii] Civil Application is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC