

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

CIVIL APPLICATION NO.459 OF 2022 IN FA/533/2012

**DADABHAU RAMJI NARODE (DIED) THROUGH LRS BHAGUBAI
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr. Swapnil S. Patnurekar, Advocate the Applicants
Mr. A.B. Chate, AGP for Respondent Nos.1 and 2
Mr. D.A. Madke, Advocate h/f Mr. R.B. Deshmukh, Advocate for
Respondent No.3

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 14th JANUARY, 2022

PER COURT:-

1. Heard Mr. S.S. Patnurekar, learned counsel for the applicants, Mr. Chate, learned AGP for respondent Nos. 1 and 2 and Mr. D.A. Madke holding for Mr. R.B. Deshmukh, learned counsel for respondent no.3

2. It is stated across the Bar that first appeal no. 533 of 2012 came to be settled amicably between the parties in the Lok Adalat held on 23.01.2016. The applicant had applied to bring on record the legal heirs of deceased respondent no.3. However, this Court (Coram : K.K. Sonawane, J.) vide order dated 03.11.2017 was pleased to turn down the prayer. In view of that, now the applicants are facing difficulty to withdraw the amount as per the terms of settlement arrived at between the parties in first appeal no. 533 of 2012.

3. Mr. Chate, learned AGP for respondent nos. 1 and 2 and Mr. D.A. Madke holding Mr. R.B. Deshmukh, learned counsel for respondent no.3 have no objection to allow this application in view of amicable settlement arrived at between the parties in first appeal no. 533 of 2012.

4 It is necessary to allow the application to bring on record the legal heirs of deceased Dadabhau Ramji Narode. The applicants need to be permitted to withdraw the amount deposited by the acquiring body in view of settlement arrived at between the parties before the Lok Adalat.

ORDER

- (i) The application is hereby allowed in terms of prayer clause (B).
- (ii) Civil application is accordingly disposed of.
- (iii) After bringing on record the legal heirs of deceased Dadabhau Ramji Narode, the registry to make payment with accrued interest thereon to his legal heirs as per procedure.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane