

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

924 CIVIL APPLICATION NO.12672 OF 2022
IN FIRST APPEAL NO.971 OF 2016

JANAK @ JAGANNATH VITHOBA WADNE (DIED)
THROUGH L.Rs.PRABHAKAR & OTHERS
VERSUS
THE EXE. ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD & ANOTHER

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Advocate for Applicants : Adv.L.R.Thakur h/f. Mr.L.C.Patil
AGP for Respondent-State : Mr.A.B.Chate

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CORAM : S.G.DIGE, J.
DATE : 07.09.2022

P.C. :

1] Heard the learned counsel for the applicants. The learned counsel for the applicants submits that First Appeal is already disposed of before Lok Adalat on 17th March, 2019. The original claimant, namely, Janak @ Jagannath Vithoba Wadne is died before filing of the appeal and his son, namely, Bhaskar Janak @ Jagannath Vithoba Wadne is also died, hence, their legal heirs be taken on record as the amount is deposited by the respondents before this Court and the matter is already disposed of. The legal heirs of the deceased are entitled to withdraw the said amount, hence, requested to allow the application. Delay for filing the appeal be condoned.

2] Considering the submissions of the learned counsel for the applicants and the learned AGP as well as the reasons mentioned in the application, the application is allowed in terms of prayer clauses-B and C.

3] Civil Application is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC