

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

CIVIL APPLICATION NO.11086 OF 2021 IN FA/3260/2018

**KUNDALIK SHANKAR GHOLAP AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER URDHVA PRAVARA CANAL
DIVISION, SANGAMNER AND ANOTHER**

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Advocate for Applicants : Bhide Vinod Y.

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Mr. Vinod Y. Bhide, Advocate for the Applicants
Mr. S.C. Arora, Advocate for Respondent No.1
Mr. A.b. Chate, AGP for Respondent No.2

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 27th APRIL, 2022

PER COURT:-

1. Mr. Bhide, learned counsel for the applicant seeks leave to correct the spelling of applicant No.1 Kundalik Shankar Gholap in view of office objection.
2. Leave granted.
3. Mr. Bhide, learned counsel for the applicants submits that another office objection also does not sustain in view of final disposal of the appeal. The application to proceed further.

4. Heard Mr. Bhide, learned counsel for the applicants / claimants, Mr. Arora, learned counsel for respondent No.1 / acquiring body and Mr. Chate, learned A.G.P for respondent No.2 / State.

5. In pursuant to the order passed by this Court dated 26.10.2021, the applicants have placed on record the copy of the registered power of attorney along with the copy of heirship certificate issued by the competent Civil Court. I have gone through the registered power of attorney as well as heirship certificate issued by the competent authority.

6. It is evident from the record that this Court has disposed of the first appeal No.3260 of 2018 vide order dated 25.10.2018. The amount is still lying with the Registry. As per the registered power of attorney, the legal heirs of original claimant No. 2 Ramnath Shankar Gholap (since deceased), the applicant Nos. 2A to 2E are the legal heirs as per the heirship certificate issued by the competent Civil Court. They have given the power of attorney to applicant No.1 Kundalik Shankar Gholap to withdraw the entire amount of compensation lying with the Registry. I do not see any hurdle to allow this application.

ORDER

- (i) The application is hereby allowed.
- (ii) The applicant No.1 Kundlik Shankar Gholap is hereby allowed to withdraw the amount of compensation lying with the Registry on the basis of registered power of attorney given by the legal heirs of original claimant No.2 and in view of heirship certificate, which are on record.
- (iii) The Registry to make payment of compensation lying with the office after verifying the calculations made by the applicants / claimants and shown in Chart, para 7. Remaining excess amount, if any, it shall be refunded to the appellant / acquiring body.
- (iv) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane