

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15130 OF 2022
IN FIRST APPEAL NO. 4344 OF 2017

ANANTA MARUTI KAKADE (DIED) THR LRS. UTTAM ANANTA
KAKADE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION
OSMANABAD AND OTHERS

...
Advocate for Applicants : Mr. R.D. Khadap
Advocate for Respondent No.1 : Mr. S.D. Dhongade
AGP for Respondent Nos.2 and 3 : Mr. B.V. Virdhe
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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 14th November, 2022.

PER COURT :

- . Heard rival submissions.
2. The applicants being the legal heirs of original respondent No.1 in First Appeal No.4344 of 2017 are seeking permission to bring them on record by condonation of delay of 136 days.
3. According to them the aforesaid Appeal was disposed of on 14th March, 2022 alongwith the other connected matters but the respondent No.1 – Ananta Maruti Kakade at

the time of passing aforesaid order of disposal was not alive as he has died on 2nd February, 2022.

4. Now the applicants wants to bring themselves on record for the purpose of withdrawal of amount however, for bringing themselves on record no proceeding is pending and the Appeal is already disposed of.

5. The learned Counsel for the acquiring body did not dispute the position of the applicants being the legal representatives of original respondent No.1 - Ananta Kakade.

6. As such, under such circumstances only the permission to the present applicants can be granted for withdrawal of compensation amount which is lying with this Court. In view of the above, said order is passed.

ORDER

(a) The application is allowed in following terms.

(b) The applicants being the legal heirs of original respondent No.1 - Ananta Maruti Kakade are

hereby permitted to withdraw the amount of compensation deposited by the appellant - acquiring body alongwith accrued interest thereon till date, in equal proportion.

(c) The application accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE