

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO.1470 OF 2022

IN

FIRST APPEAL NO.217 OF 2004

{Maharashtra Industrial Development Corporation, Amravati **.V/s..**
Subhash Balaji Gangamwar and Ors.}

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Parth Sagdeo, Advocate h/f. Shri M.M. Agnihotri, Advocate for the Appellant.

Shri Sunil V. Ingole, Advocate for Respondents No.1 (a) to 1 (b).

Shri S.M. Patrikar, Advocate for Respondent No.1 (d).

CORAM : ABHAY AHUJA, J.

DATE : 10th NOVEMBER, 2022.

On 06.10.2022, the following order was passed :

“This is an application seeking withdrawal of the entire decretal amount along with interest deposited in this Court by the appellant – MIDC, by order dated 16.03.2017 when this Court had directed deposit of the unpaid decretal amount of compensation with interest. Thereafter, applications were made after the death of the original respondent No.1 on 24.09.2021, seeking to bring on record the legal heirs of the said respondent.

2. By order dated 24.08.2022, this Court had treated the applications moved by the heirs of the deceased first respondent, as applications filed by the MIDC and allowed the same.

3. The amendments were carried out and the legal heirs of the deceased respondent No.1, were brought on record in accordance with the said order.

4. Mr. Sagdeo, learned counsel for MIDC points out that there is one more heir, who is not party to this application. Learned counsel also points out that he is the son of deceased of respondent No.1.

5. Let the fourth heir of deceased respondent No.1, be

made a party to this application by making appropriate amendments and by serving a copy of the same upon him within a period of four weeks.

*6. List this matter on **10.11.2022**, when the application for withdrawal will be considered.”*

2. Pursuant to the aforesaid order, the 4th heir of the deceased Respondent No.1 was made party to the application as Applicant/Respondent No.1(d) and copy of the same has been furnished to Shri Patrikar, learned counsel for the said Applicant/Respondent No.1(d). Shri Patrikar, submits that the application be allowed and 1/4th of the amount lying in this Court also be paid to Applicant/Respondent No.1(d).

3. Shri Ingole, learned counsel for Respondents No.1(a) to 1(c) has no objection, if 1/4th of the amount is paid to Applicant/Respondent No.1(d).

4. Shri Sagdeo, learned counsel for Acquiring Body – MIDC has no objection, if the amounts are distributed between all four heirs in equal proportion.

5. Having heard learned counsel appearing for the parties and having perused the papers and proceedings, let the amount of compensation lying in this Court be distributed to Applicants/Respondents No.1(a) to 1(d) alongwith interest in equal proportion.

6. Registry to act accordingly. The application stands allowed in above terms.

(JUDGE)