

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

FIRST APPEAL NO.130 OF 2005 [DECIDED]

[Maharashtra Industrial Development Corporation .vs. Motiram Lachiram Jadhav (Dead)
and others]

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

Court's or Judge's orders

Shri Naseeb Shaikh, Advocate holding for Shri M.M. Agnihotri, Advocate
for appellant,
Shri S.V. Ingole, Advocate for respondent no.1 (a), 1(b), 1(d) to 1(g) &
1(j) to 1 (k),
Shri Jaykumar S. Wankhede, Advocate for respondent nos.1 (h) and 1 (i).
.....

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 22/07/2022.

Civil Application (CAF) No.1521/2022

Present application is filed by
applicants/respondent nos.1-a & 1-b to 1-d to 1-g and
1-j to 1-k for deletion of name of respondent no.1-c i.e.
Manohar Motiram Jadhav.

In para 2 of the application, it is specifically
averred that Manohar Motiram Jadhav is not the legal
heir of deceased Motiram Lachiram Jadhav, but
inadvertently his name has been taken on record as
legal heir of Motiram Lachiram Jadhav. This fact is
disclosed first time when parties approached for
withdrawal of amount.

The application is supported by affidavit.
The death certificate is placed on record along with

copy of legal representatives certificate, wherein the name of Manohar Motiram Jadhav is not reflected as a legal heir of Motiram Lachiram Jadhav.

As such, the application is allowed. Applicants are permitted to delete the name of respondent no.1-c i.e. Manohar Motiram Jadhav. The amendment to be carried out forthwith.

Civil Application is allowed and disposed of.

Civil Application (CAF) No.1520/2022

Present application is filed by applicants/respondent nos.1-a & 1-b to 1-d to 1-g and 1-j to 1-k for permission to withdraw the decretal amount deposited by the appellant along with accrued interest.

The appeal came to be disposed of vide order dated 16.02.2017. The appellant has deposited the decretal amount in this Court. In view of disposal of First Appeal No.130/2005 and confirmation of order of Section 54 of the Land Acquisition Act, 1894, there is no impediment in allowing the application for withdrawal of amount, as prayed for.

It appears that there is some error in the name of legal heir of Madhukar Motiram Jadhav. Leave is granted to correct the same. The applicants to carry out amendment during the course of the day.

1/8th share each will be disbursed in the account of respondent nos.1-a and 1-b, 1-d, 1-j and 1-k,

who are the legal heirs of Motiram Lachiram Jadhav and 1/8th share in three equal shares will be disbursed in the account of respondent nos.1-e to 1-g, who are the legal heirs of Madhukar Motiram Jadhav, after verifying the bank details.

Civil Application is allowed and disposed of.

Civil Application (CAF) No.1562/2022

Present application is filed by respondent nos.1-h to 1-i for withdrawal of decretal amount.

For the reasons stated in the application, there is no impediment in allowing this application.

Registry is directed to disburse 1/8th equal share in the account of respondent nos.1-h to 1-i along with accrued interest, after verifying the bank details.

Civil Application is allowed and disposed of.

[Smt. M.S. Jawalkar, J.]

Gulande