

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

**CIVIL APPLICATION NO.1265 OF 2023 IN
FIRST APPEAL NO. 1334 OF 2019**

Sanjay Shantappa Badole (died)
through L.Rs.

Applicants

Versus

The State of Maharashtra & others

Respondents

Ms. L. R. Thakur, advocate holding for Mr. L. C. Patil,
advocate for the Applicants

Mr. A. B. Chate, AGP for Respondents No.1 & 2.

Mr. P. R. Nangare, advocate for Respondent No.3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 07th February, 2023.

PC :

Heard rival submissions.

The applicants, being the legal representatives of original respondent-claimant in the appeal, are seeking permission to prosecute the appeal and also for permission to withdraw the entire amount of compensation which has been deposited by the acquiring body.

It seems that withdrawal order has already been

passed by this Court on 25th November, 2020, thereby allowing withdrawal of 75% of the deposited amount to the original claimant. However, unfortunately the original claimant Sanjay Shantappa Badole subsequently died on 03rd May, 2021. It appears that despite his death, the appellant-acquiring body did not carry out any amendment in the appeal itself. The learned Counsel for the appellant-acquiring body submits that he would carry out such amendment forthwith, if permitted.

In view of the same, the application is allowed in following manner:

(A) The learned Counsel for the appellant-acquiring body is directed to carry out the amendment by bringing the present appellants on record in place of deceased respondent Sanjay Shantappa Badole, forthwith.

(B) After carrying out the aforesaid amendment, the present applicants are permitted to withdraw the compensation amount as per earlier order dated 25.11.2020,

passed by this Court.

(C) Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb