

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

**CIVIL APPLICATION NO. 3783 OF 2023 IN
FIRST APPEAL NO. 3187 OF 2021**

Godhu Shripad Patil (deceased)
through his legal heirs

Applicants

Versus

The Executive Director,
Tapi Sinchan Vikas Mahamandal,
Jalgaon & another

Respondents

Mr. V. B. Patil, advocate for the Applicants
Mr. C. T. Jadhav, advocate for Respondent No.1.
Mr. S. N. Morampalle, AGP for Respondent No.2.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 21st March, 2023.

PC :

Heard rival submissions.

Though it appears that the office has raised objection that legal heirs of original claimant Godhu have not been brought on record in the First Appeal, but it appears that the present applicants, who are posing themselves as legal representatives of deceased Godhu have, in fact, filed the original Reference before the learned Reference Court.

Unfortunately, in the award, their names were not mentioned. Under such circumstances, there cannot be any dispute that the present applicants are legal representatives of deceased Godhu. The learned Counsel for the acquiring body has also not disputed such position and, therefore, he is permitted to carry out the amendment in his appeal memo in respect of names of respondents.

Further, it appears that the acquiring body has deposited only 33% amount of the impugned award. Therefore, considering the enhancement granted by the learned Reference Court, the applicants are allowed to withdraw the entire deposited amount along with accrued interest thereon till date, by furnishing usual undertaking to the satisfaction of Registrar (J) of this Court.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb