

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

CIVIL APPLICATION NO.7647 OF 2023
IN FAST/14042/2020 WITH CA/11627/2022 IN FAST/14042/2020

APPA YASHWANT SHERKAR AND ORS
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION
OSMANABAD

...

Advocate for Applicants : Mr. Vikram S Undre
Adv. for Respondent No.1: Mr. Chaitali Chadhari Kutti.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 23rd JUNE, 2023

P.C. :-

IN CIVIL APPLICTION FOR BRINGING LRS OF DECEASED APPELLANT :

Heard learned advocate for the respective parties.

Mr. Undre, learned advocate appearing for applicants would submit that Chandrakant Yashwant Sherkar was original claimant before the Reference Court alongwith three others. He died after passing of the award. The Acquiring Body has preferred this appeal challenging the award passed by the Reference Court wherein the name of the deceased is shown as respondent. He submits that the applicants are legal heirs of deceased and interested in participating in the proceeding.

Mrs. Chaitali Kutti, learned advocate for respondent does not dispute factual position.

Considering the submissions advanced on behalf of the parties, application is allowed in terms of prayer clause (A).

Amendment be carried out within two weeks.

IN CIVIL APPLICATION FOR WITHDRAWAL :-

Heard.

This is an application for withdrawal of the amount deposited by the acquiring body.

Having considered the rival submissions, the applicants-original claimants are allowed to withdraw 75% of compensation amount deposited in this court by the Acquiring Body on the following terms :-

- a) 50% of the amount be paid to the applicants on furnishing undertaking on usual terms.
- b) 25% of the amount be paid to the applicants on furnishing solvent security to the satisfaction of the learned Registrar (Judicial) of this Court.
- c) Civil applications are disposed of.

**[S.G. CHAPALGAONKAR]
JUDGE**

grt/-