

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

**CIVIL APPLICATION NO. 11340 OF 2023
IN FA/3576/2019**

Bhaga Rambhau Chaudhari
(died through L.Rs.)

Anusaya Bhaga Chaudhari and others

.. Applicants

Versus

The Executive Engineer,
Urdva Pravara Canal Division
and another

.. Respondents

Mr. Vinod Y. Bhide, Advocate for the Applicants.
Mr. S. G. Bhalerao, Advocate for Respondent No. 1.
Mr. S. B. Pulkundwar, AGP for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATED : 13th OCTOBER, 2023.

P C. :-

. Heard learned advocates for the parties.

2. By way of this application, a prayer is made for bringing on record legal heirs of deceased respondent No. 1 in the first appeal namely Bhaga Rambhau Chaudhari who died on 06.01.2022.

3. Prayer clause (B) of the application is allowed. The appellant in appeal to take steps to modify the title clause in the appeal memo accordingly.

4. As regards prayer clause (C), it is for deletion of respondent Nos. 2B1, 3A and 3D2 since they died after the judgment.
5. Prayer clause (C) of the application is also allowed.
6. So far as prayer clause (D) is concerned, it is for withdrawal of the amount deposited by the appellant – acquiring body in this Court. The learned Reference Court had directed the enhancement of Rs. 3,18,952/-. The same is reduced by way of judgment in the first appeal to Rs. 2,87,595/-. The appellant – acquiring body is held entitled to refund of Rs. 31,357/-. This position is accepted and admitted by both the parties.
7. In view of the same, prayer clause (D) is also allowed. The applicants shall be entitled to withdraw an amount of Rs. 2,87,595/- along with accrued interest thereon. The appellant – acquiring body shall be entitled to refund of Rs. 31,357/- with accrued interest thereon.
8. With this, the civil application stands disposed off.

(KISHORE C. SANT, J.)

PS.B.