

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

**967 CIVIL APPLICATION NO.11572 OF 2023  
IN FA/1455/2021 WITH CA/11571/2023 IN  
FA/1455/2021**

LAKHA SUKA MAHAR (DIED) THR LRS. VIKRAM LAKHA  
JADHAV (DIED) THR LRS. BHIKAN V. MAHAR AND ORS  
VERSUS

THE EXE. ENGINEER, M.I.D.C., JALGAON AND ORS

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Advocate for Applicants: Mr. Ajeet B. Kale  
AGP for Respondent/State: Mr. S. B. Pulkundwar  
Advocate for Respondent No.1: Mr. S. S. Dande

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**CORAM : ARUN R. PEDNEKER, J.**

**DATE : 31<sup>st</sup> OCTOBER, 2023**

**PER COURT:**

1. Civil Application No.11571 of 2023 is filed to bring the legal heirs of deceased respondents no.2A, 3, 3E, 4, 4D and 6.

Mr. A. B. Kale, learned counsel for the applicants submits that they have expired after the passing of the Judgment of the Reference Court. The legal heirs of the deceased respondents are permitted to be brought on record. Necessary amendment shall be carried out in the appeal memo within a period of one (01) week from today. The civil application stands disposed of.

2. Civil Application No.11572 of 2023 is filed for withdrawal of amount.

The first appeal is filed, wherein 100% amount is deposited in this court. Mr. A. B. Kale, learned counsel for the applicants has produced order dated 12.07.2021, passed in Civil Application No.3543 of 2021 in First Appeal Stamp No.16116 of 2019, wherein in connected matter the applicants are permitted to withdraw 50% of the amount deposited.

In view of the same, the applicants are permitted to withdraw 50% of the amount deposited, on furnishing undertaking. The 50% amount is directed to be transmitted to the reference court - Civil Judge Senior Division, Jalgaon in L.A.R. No.1195 of 2005. The amount to be transmitted after the amendment is carried out regarding the legal heirs of the deceased respondents in the appeal memo. The undertaking is to be filed to the satisfaction of the Presiding Officer of L.A.R. No.1195 of 2005. The remaining amount is to be deposited in nationalised bank on yearly renewal

basis. The civil application for withdrawal of amount stands disposed of.

3. The First Appeal is **admitted**. On admission, the learned counsel / AGP waive notice for respective respondents. Call R & P. Office objections, if any, to be removed within a period of four (04) weeks from today.

[ARUN R. PEDNEKER, J.]

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