

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11316 OF 2023
IN FA/674/2012

SOPAN MITARAM JAWALE (DIED) THR LRS. URMILA SOPAN
JAWALE (DIED) THR LRS. RAMCHANDRA AND OTHERS
VERSUS
THE M.I.D.C., MUMBAI DIVISIONAL OFFICE, NASHIK THR ITS
AREA MANAGER, M.I.D.C., JALGAON AND ANOTHER

...
Mr. A.B. Kale, Advocate for applicants.
Mr. S.S. Dande, Advocate for respondent No. 1.
Mr. S.B. Pulkundwar, AGP for respondent-State.

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CORAM : KISHORE C. SANT, J.

DATE : 18th OCTOBER, 2023

PER COURT:

1. This application is filed by Respondent No. 2 and 4 in First Appeal No. 674 of 2012 for withdrawal of decretal amount deposited in this Court.

2. It is seen from the record that this Court by order dated 28.09.2012 was pleased to pass common order in group of appeals challenging the award passed in land acquisition reference. Applications for withdrawal of the amount were filed in the respective appeals including by original respondents No. 2 and 4. However, unfortunately, they died on 13.01.2016 and 24.02.2019 and therefore they could not withdraw the amount. Thereafter, application came to be filed by present applicants for

bringing themselves on record. This application is allowed by order dated 03.08.2023. In view of that order, by way of amendment, applicants are shown as respondents in the appeal as legal heirs of Prabhakar Sopan Jawale and Usha Prakash as respondent Nos. 2A to 2C and 4A to 4C respectively. In view of above, now this application is filed.

3. It is submitted that though there was order by this Court dated 28.09.2012, applicants could not withdraw the amount.

4. Considering the above and considering that already this Court has passed order thereby allowing the original claimants to withdraw the amount, this application needs to be allowed. Hence, the following order:

ORDER

- (i) Civil application is allowed.
- (ii) Office to allow the applicant Nos. 2A to 2C and 4A to 4C to withdraw the amount pursuant to the order passed by this Court dated 28.09.2012, along with interest, if any, accrued thereon.
- (iii) Civil application stands disposed of.

[KISHORE C. SANT, J.]