

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 604 OF 2023
IN FIRST APPEAL NO. 2699 OF 2018

DHONDABAI PRAKASH MULE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR
OSMANABAD AND OTHERS

...
Mr. K.S. Patil – Advocate for Applicants
Mr. B.V. Virdhe – AGP for Respondent Nos.1 and 2, State
Mr. R.A. Tambe – Advocate for Respondent No.3

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 10th April, 2023

PER COURT :

1. Heard rival submissions.
2. The applicants – claimants are seeking direction to respondent no. 6 i.e. Manager of Rupmata Urban Co-operative Society Ltd., Osmanabad, branch – Samarth Nagar, Osmanabad, to pay the compensation amounts as per their shares of Rs.4,23,055/- each. It appears that, respondent nos.4 and 5 are also co-claimants. It also appears that, as per the letter dated 20th August, 2022 given by present applicants

and respondent nos.4 and 5 to the respondent no.6 – Co-operative Society, they have distributed the compensation amount among them in equal proportion and therefore, got share of Rs.4,23,055/- each. Further, it appears that respondent nos.4 and 5 have already withdrawn certain amounts from their respective shares as mentioned in the said letter.

3. However, as per the letter dated 16th November, 2022 issued by the respondent no.6, presence of all the claimants is necessary for withdrawal of the aforesaid amount. According to the learned counsel for the applicants the respondent nos.4 and 5 are not coming forward for such withdrawal, since respondent no.4 is one of the Director of Rupmata Urban Co-operative Society Ltd., Osmanabad.

4. The applicants and respondent nos.4 and 5 have already apportioned their respective shares and therefore, the applicants cannot be restricted for withdrawing their respective shares due to such non cooperation on the part of respondent nos.4 and 5. As such, the application is allowed

and the respondent no.6 is directed to pay the amount of Rs.4,23,055/- to each of the applicants alongwith the interest accrued thereon till date.

5. The application accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE

Pooja K.