

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NOS. 1781/2022 AND 1782/2022
IN FIRST APPEAL NO. 107/2006 (DECIDED)

The MIDC, Amravati Vs Bhagwan Laxman Itkare And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr Najeeb Sheikh, counsel h/f Mr M.M. Agnihotri, counsel for the
applicant/appellant.

Mr S.V.Ingole, counsel for the respondent Nos. 4 and 5.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/04/2023.

1. Heard.
- 2.. The present appeal is filed for seeking permission to withdraw the deposited decretal amount along with interest accrued thereon.
3. As per the contention of the respondents appeal is partly allowed and disposed of. Respondents have further filed an application bearing No. 1782/2022 for deleting the name of respondent Nos. 2 and 3. As per the contention of the respondents, respondent No.2-Baburao Laxman Itkare is missing since 2011 and respondent No.3 is dead therefore, their names to be deleted.
4. Admittedly, respondents have not filed any proceedings to declare respondent No.2 as a dead, unless and until he is declared dead. His name cannot be deleted.

Therefore, the prayer of the respondents to delete the name of respondent No.2 deserves to be rejected, at this stage.

5. So far as respondent No.3 is concerned, his death certificate is on record. In view of that, the name of respondent No.3 is permitted to be deleted.

6. Considering the appeal is already disposed of by reserving the share of respondent No.2, the rest of the amount of compensation along with the accrued interest be disbursed to respondent Nos. 4 and 5.

7. In view of that, Civil Application No. 1782/2022 is partly allowed and Civil Application No. 1781/2022 is disposed of.

JUDGE