



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 CIVIL APPLICATION NO. 3174 OF 2024
IN FA/797/2017

VISHNU RAMBHAU NIRVAL AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Mr. Kakade Deepak M., Advocate for Applicants
Mr. D. B. Bhange, AGP for Respondents-State
Mr. A. M. Gaikwad, Advocate for Respondent No.3

CORAM : Y. G. KHOBRAGADE, J.
DATE : 22nd March, 2024

ORDER:

1. Heard Mr. Kakade, the learned counsel for the applicants, Mr. Bhange, the learned AGP for the Respondents State and Mr. Gaikwad, the learned counsel for respondent No.3.
2. By the present application, the applicants prayed for permission to withdraw the entire amount of compensation which has been deposited by the Acquiring Body.
3. The Original claimant Vishnu Rambhau Nirval had filed First Appeal No. 797 of 2017 and prayed for enhancement of compensation which was awarded by learned Civil Judge (S.D.), Jalna in LAR No. 321 of 2010 (New)/LAR No.365 of 2007 (old) on 11.03.2015. The said appeal was listed before the Lok Adalat on 11.02.2023 and come to be compromised between the original appellant- claimant and the acquiring body in terms of Exh. 1 to the order. As per Exh. 1, the

Acquiring Body agreed to pay compensation to the appellant/claimant @ Rs.2400/- per R for dry land, Rs.3600/- per R for seasonally irrigated land and Rs.4800/- per R for perennially irrigated land and Rs.1200/- per R for pot kharab land.

4. The learned counsel appearing for the applicants submits that after the order passed by the Lok Adalat dated 11.02.2023, the original claimant-Vishnu Rambhau Nirval died on 09.09.2023 leaving behind the present applicants/legal heirs. Thereafter, the applicants approached before the Civil Court and obtained succession certificate under the Bombay Regulation Act. The respondents have not denied that the present applicants are the legal heirs of deceased original appellant/claimant. Therefore, the present applicants are entitled to receive the amount which has been deposited by the Acquiring Body in pursuance of the order dated 11.02.2023 passed by the Lok Adalat, in their apportionment.

5. In view of the above, the present application is allowed.

6. The applicants are entitled to withdraw the amount deposited by the acquiring body equally. Registry to disburse the amount to the applicants after due verification.

(Y. G. KHOBRA G ADE, J.)