



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

903 CIVIL APPLICATION NO. 5237 OF 2023
IN FA/2014/2022 WITH CIVIL APPLICATION NO. 5238 OF
2023 IN FA/2014/2022 WITH FA/2014/2022

**KESHAV GYANA ACHARYA DIED THR LRS YASHWANT
KESHAV ACHARYA AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR,
LATUR AND ORS**

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Advocate for Applicant : Mr. Sontakke Gajanan K.
AGP for Respondents-State : Mr. A. S. Shinde.
Advocate for Appellants in FA : Mr. S. M. Ganachari.

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CORAM : S. G. MEHARE, J.
DATE : 01.03.2024

PER COURT :-

Civil Application No.5238 of 2023

1. Again, this is an application by legal heirs of the deceased respondent for bringing them on record. The fact reveal that the claimant Keshav died before passing the impugned judgment and award. No diligence appears to have been shown by the learned counsel for Keshav before the Reference Court. The decree was passed against the dead person. Keshav was the only person claiming the enhancement of the compensation. Since he died before the award, his application could not be entertained. Hence, civil application stands dismissed.

Civil Application No.5237 of 2023

2. Considering the order passed in Civil Application No.5238 of 2023, the civil application for withdrawal of amount could not be entertained at this juncture. Hence, kept in abeyance until further orders.

First Appeal No.2014 of 2022

3. It is brought to the notice of the learned counsel for the appellants, for the first time on 13.03.2023 about the death of Keshav. Therefore, opportunity granted to the learned counsel for the appellants to take an appropriate steps, if he desires.

4. Stand over to 19.04.2024.

(S. G. MEHARE, J.)

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