



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

CIVIL APPLICATION NO. 8137 OF 2023 IN FA/2164/2022

SHIVHAR SAMBHAJI KARPE (DIED) THROUGH LRS CHAMPABAI
AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, BEED
(G.M.I.D.C. AURANGABAD) AND OTHERS

...

Advocate for Applicants : Mr. D. B. Pathrikar holding for
Mr. Vilas S. Bocharé

Advocate for Respondent No.1 : Mr. B. R. Survase
AGP for Respondents No.2 and 3 : Mrs. M. L. Sangit

...

CORAM : S. G. MEHARE, J.

DATE : 02-02-2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned counsel for respondent No.1 and the learned A.G.P. for respondents No.2 and 3.

2. In the appeal arising out of the same award, this Court allowed the claimants to withdraw 75% amount. Hence, application deserves to be allowed.

i) The application is allowed.

ii) The applicants are permitted to withdraw 75% of deposited compensation. Out of it, 50% amount be released on usual undertaking and 25% amount be released on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. Remaining balance be invested in the

fixed deposit in any Nationalized Bank, till the disposal of the appeal, as per rules.

3. Learned counsel for the appellant states that the respondents/claimants themselves have filed application for bringing legal representatives of deceased claimant/ Champabai Shivhar Karpe.

4. Since the application for bringing legal representatives has not been filed by the appellant, the compensation as mentioned above should not be disbursed unless the legal heirs of deceased claimant Champabai are brought on record. The appellant should move an application for bringing legal representatives of deceased claimant Champabai within two weeks.

**(S. G. MEHARE)
JUDGE**

rrd