



(1)

33-CA-9256-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

33 CIVIL APPLICATION NO. 9256 OF 2024
IN FA/493/2023

Maruti Mahada Pandhare (died) Thr. Lrs. Kadubai M. Pandhare And Ors

VERSUS

The Ex. Engineer L.m.i.d.c., Latur And Anr

WITH

CIVIL APPLICATION NO. 17095 OF 2022
IN FA/492/2023

WITH

CIVIL APPLICATION NO. 9257 OF 2024
IN FA/493/2023

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Mr. Nilkanath R. Pawde h/f Mr. L. C. Patil, Advocate for Applicant.

Ms. Vaishali S. Swami h/f Mr. M. C. Swami for Respondent No.1.

Mr. K. B. Jadhavar, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 6th DECEMBER 2024

PC :-

1. This application is for bringing on record legal heirs of the deceased Maroti s/o Mahada Pandhare, who died on 7th March 2021. The present applicants are the only heirs of the deceased as per heirship certificate granted by the learned Joint Civil Judge Senior Division, Latur in LAR No.440 of 2009.

2. For the reasons stated in the application, delay of 801 days stands condoned. Application is allowed.
3. The applicant to carry out necessary amendment in the cause title of the appeal and applications within a period of two weeks from today.
4. Application stands disposed off.

CIVIL APPLICATION FOR STAY

. Since the entire amount is already deposited in the office of this Court, there shall be stay to the impugned judgment and award till final disposal of the appeal.

CIVIL APPLICATION FOR WITHDRAWAL

5. Heard the learned Advocate for the parties.
6. The application is heavenly opposed by the learned Advocate for the appellant. The learned Advocate for the applicants relied on the order passed by this Court in Civil Application No.4478 of 2024 in First Appeal No.492 of 2023. In view of the same, the following order:-

ORDER

- (i) Application is allowed.
- (ii) The applicants are permitted to withdraw 80% of the amount

deposited by the appellant in this Court alongwith accrued interest on furnishing usual undertaking.

(iii) Remaining amount be kept in Fixed Deposit in any nationalized bank till disposal of the appeal.

FIRST APPEAL

1. Admit.
2. Call for Record and Proceedings.
3. On admission, learned Advocate Mr.Patil, waives notice for Respondent-original claimant.

[KISHORE C. SANT, J.]

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