



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14592 OF 2023
IN FA/251/2016

Prabhakar Venkatrao Ghare And Ors

....Applicant

VERSUS

The Executive Engineer, Miw (l.m.i.)
Division, Jalna And Ors

....Respondent

....

Mr. S. M. Kakade h/f Mr. D. M. Kakade, Advocate for
Applicants

Mr. R. C. Patil, Advocate for Respondent No.1

Mr. S. V. Hange, AGP for Respondent Nos. 2 and 3

...

CORAM : R.M. JOSHI, J

DATE : JANUARY 15, 2024

PER COURT :

1. This application is filed by the legal representatives of deceased sole Respondent in FA/251/2016 for withdrawal of amount deposited by acquiring body in compliance with order passed by this Court.

2. First appeal came to be filed by acquiring body against judgment and award passed in LAR No. 547/2010. During the pendency of said appeal, original Respondent died on 10.03.2021. For want of knowledge of

death of Respondent, FA/251/2016 came to be heard and decided by this Court on 21.07.2022. After the said fact was known, present Applicants would have been brought on record during the pendency of first appeal. Now, Applicants claim themselves to be LR's of deceased Respondent No. 1 and to support their claim heirship certificate issued by CJJD, Mantha in MCA No. 55/2023 is placed reliance on.

3. Learned Counsel for original Appellant makes statement that this Court has already permitted withdrawal of amount deposited in this Court by Respondent.

4. There is no dispute about the fact that the present Applicants are the LR's of original deceased Respondent. Factum of death can be seen from the death certificate filed on record. Similarly, right of present Applicants to receive amount of compensation is already supported by the heirship certificate issued by the competent Court. This application is not opposed.

5. In view of above, application stands allowed in terms of prayer clause 'B'. Office to permit

withdrawal of amount deposited in FA/251/2016 along with accrued interest after due verification of the identity of the Applicants.

(R. M. JOSHI, J.)

Malani