



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CIVIL APPLICATION (CAF) NO. 3086 OF 2024

AND

CIVIL APPLICATION (CAF) NO. 3088 OF 2024

IN

FIRST APPEAL NO. 107 OF 2006 (D)

MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION

Vrs.

**BHAGWAN LAXMAN ITKARE (DELETED AS PER COURT'S ORDER DATED 04/05/2017)
AND OTHERS**

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Najeeb Sheikh, Advocate h/f Shri M. M. Agnihotri, Advocate for
appellant.

Shri S. V. Ingole, Advocate for respondent Nos.4 and 5.

Shri M.A.Kadu, AGP for respondent Nos.6 and 7.

CORAM: SANJAY A. DESHMUKH, J.

DATE : 24/10/2024.

1. The Civil Application (CAF) No.3088/2024 is for deletion of name of respondent No.2. It is contended that respondent No.2 is not seen and heard for more than seven years. Therefore, as per Section 108 of the Indian Evidence Act, 1872, it is presumed to be dead. Therefore, the suit bearing Regular Civil Suit No.48/2023 was filed, in which it is held that he is no more and presumed to be dead.

2. Considering this aspect, it would be proper to give directions to the Registry to pay the amount of compensation of share of respondent No.2 to respondent No.5 - Smt. Renukabai w/o Laxman Itkare, along with interest accrued thereon.

3. The Civil Application (CAF) No.3086/2024 is allowed.

4. Therefore, the Civil Application (CAF) No.3088/2024 becomes redundant and disposed of.

[SANJAY A. DESHMUKH, J.]

Choulwar