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903-CA-2365-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 CIVIL APPLICATION NO. 2365 OF 2025
IN WP/4237/1998

Anjali Jayant Deshpande Died Lrs Jayant Govindrao Deshpande

VERSUS

State Of Maharashtra And Ors

WITH

WRIT PETITION NO. 4237 OF 1998

...

Mr. Sharad V. Natu, Advocate for Applicant.

Mr. S. S. Dande, Advocate for Respondent.

Mr. R. B. Dhaware, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 17th OCTOBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This is a classic example of negligence and recklessness on the part of the authorities. The applicants, legal heirs of the deceased Respondent No.5, have filed this application seeking withdrawal of the amount deposited in the office of this Court to their extent. The petition is pending since 1998. The interim relief is granted subject to deposit of

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the amount. The amount is also deposited in the office of this Court on 2nd November 2008. However, the matter is still pending.

3. The respondent No.5 died on 2nd August 2006. It is shown that the intimation of death of respondent No.5 was tried to be served upon learned Advocate then appearing for the petitioner. However, he initially refused to accept the intimation. In the application further averment shows that since the learned Advocate did not accept the intimation, the applicant forwarded the intimation to the petitioner's office on 27th March 2022. The said was also received on 29th March 2022. Another letter was issued on 18th April 2023, as no steps were taken inspite of specific intimation, stating that the matter is abated against respondent No.5 in the petition.

4. A request was, therefore, made to the petitioner to pay the amount. A reply was sent by the MHADA authority on 18th April 2023 asking the applicant that the amount is already deposited and it is pending. Inspite of this, it is seen that no steps were taken by the

petitioner to get the order of abatement set aside or to take proper steps to bring on record the legal heirs. It is in this view, now the present applicants filed an application on 29th January 2024 for withdrawal of the amount.

5. Today, when the application is taken up before the Court, the learned Advocate Mr. Dande. He tried to persuade the Court that the authorities will take steps in the writ petition and to keep the matter on very first day after the Diwali Vacation and if there is failure on the part of authorities then the amount is allowed to be withdrawn. He made effort to persuade the court telling that he would personally talk to authorities and try to apprise them to convey seriousness of the matter.

6. This Court finds that as the authority did not take any steps as against deceased Respondent No.5, the applicants are deprived of the benefits of the order since 1998, as there is already a stay granted by this Court. A person cannot be made to wait for such a long period and to face hardship, when the authorities are totally negligent in taking

steps inspite of specific intimation given to the authority. This Court is therefore inclined to allow the application. Hence, the following order:-

ORDER

- (i) Civil Application is allowed.
- (ii) The applicants are permitted to withdraw total 30% of the amount deposited in the office of this Court alongwith accrued interest on furnishing usual undertaking.
- (iii) The petitioner is at liberty to take appropriate steps in the writ petition.
- (iv) With this, Civil application stands disposed off.

[KISHORE C. SANT, J.]