



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

929 CIVIL APPLICATION NO. 3917 OF 2024
IN FA/755/2019

DHARMA SUDAM BANSODE (DIED) THR. LRS
BABA D. BANSODE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH COLLECTOR, OSMANABAD AND OTHERS

...
Advocate for Applicant Nos.1-a to 1-c : Mr. Estling S. Murge.
AGP for Respondent / State: Mr. Rajkumar B. Dhaware.

...
AND
CIVIL APPLICATION NO. 8699 OF 2020
IN FA/755/2019

SHAHUBAI MASAJI GAIKWAD AND ANOTHER
VERSUS
DHARMA SUDAM BANSODE (DIED) THR LRS BABA AND OTHERS

...
Advocate for Applicant : Ms. D. B. Patil, h/f Mr. A. P. Yenegure.
Advocate for Respondent Nos.1-a to 1-c : Mr. E. S. Murge.
AGP for Respondent Nos. 2 & 3 : Mr. Rajkumar B. Dhaware.

...
CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 09th January, 2025.

P.C.:

1 Heard the learned counsel for the parties.

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2 This is an application for adding applicants (Shahubai and Sunita) as claimants in the first appeal, who are daughters of original claimant – Dharma Sudam Bansode. Dharma died during the pendency of this appeal.

3 The learned counsel for the applicants submits that the present applicants (Shahubai and Sunita) are daughters of deceased Dharma and they are not added as respondents-claimants in the appeal. The appeal is filed by the State of Maharashtra. The applicants have right of succession under Section 8 of the Hindu Succession Act. He lastly prayed to allow the application.

4 Mr. Murge, learned counsel for respondent Nos.1-a to 1-c strongly objected the application. He submitted that the sisters are not necessary parties. He lastly prayed to reject the application.

5 Heard the learned AGP for the State.

6 It is informed that, apart from applicants (Shahubai and Sunita), there is one more sister namely Sujata Dharma Bansode, residing at Housing Society, Bhim Nagar, Osmanabad, Taluka and District Osmanabad.

7 In view of the above, Civil Application No.8699 of 2020 is allowed. Applicants (Shahubai Gaikwad and Sunita Kamble) and said Sujata Dharma Bansode be added as legal heirs of deceased Dharma. Necessary amendment be carried out in the cause title of the appeal memo, civil application for withdrawal of amount and other applications either by the appellants or the respondents. Civil Application No.8699 of 2020 stands disposed of.

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8 This application is for withdrawal of the amount deposited by the appellant in this Court as per the impugned judgment and award.

9 Civil Application No.8699 of 2020 is already allowed and claimants Shahubai Gaikwad, Sunita Kamble and Sujata Dharma Bansode are added as legal heirs of deceased Dharma.

10 The learned AGP strongly opposes the application for withdrawal of amount.

11 Considering the reasons stated in the application and the arguments of both the sides, the following order is passed :-

ORDER

- I. The applicants-claimants (Baba Bansode, Bapu Bansode, Mohan Bansode, Shahubai Gaikwad, Sunita Kamble and Sujata Bansode) are permitted to withdraw Rs.7,38,452/- each with accrued interest thereon. The said applicants-claimants are permitted to withdraw 50% amount out of Rs.7,38,452/- on furnishing usual undertaking and further 50% amount out of Rs.7,38,452/- on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

- II. With this, the civil application for withdrawal of amount stands disposed of.

Appeal:

12 Heard.

13 Issue notice to the respondents. Mr. Murge, learned counsel waives notice on behalf of respondent Nos.1-a to 1-c. Mr. Yenegure, learned counsel waives notice on behalf of respondents/claimants Shahubai Gaikwad, Sunita Kamble. Notice be issued only to claimant-Sujata Bansode, returnable on 6th February, 2025.

[SANJAY A. DESHMUKH, J.]

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