



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 CIVIL APPLICATION NO. 13121 OF 2025
IN FA/3244/2025

UTTAM MARUTI JAGTAP DIED THROUGH HIS LRS TUKARAM UTTAM
JAGTAP AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD AT
OSMANABAD AND OTHERS

...

Mr. Madhav K. Jadhav h/f. Mr. A. S. More, Advocate for Applicants

Mrs. M. N. Ghanekar, AGP for Respondents-State

Mr. R. A. Tamble, Advocate for Respondent No.2

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CORAM : SHAILESH P. BRAHME, J.

DATE : 03.12.2025

PER COURT :-

. Heard.

2. Applicants seek leave to withdraw amount of Rs. 3,99,779/-
deposited in this Court.

3. Learned counsel for the applicants submits that one of the legal
heirs Ulhasbai w/o Kisan Das is no more and the applicants do not have
information regarding other legal heirs. They are enable to furnish
information to the acquiring body. It is submitted that they have no objection
if her 1/6th share is kept intact and the balance amount with accrued interest
is disbursed to the claimants.

4. Mr. Rahul Tambe, learned counsel for the respondent-acquiring body opposes the application. It is contended that the relationship of the applicants and the entitlement needs to be adjudicated first. If the amount is disbursed, it would be difficult to recover the same.

5. It transpires from record that deceased Ulhasbai Kisan Das who is respondent no.4 is daughter and one of the legal heirs of original claimant Uttam Maruti Jagtap. She has $1/6^{\text{th}}$ share in the compensation. The respondent-acquiring body has deposited only 50% of the compensation amount. It would be unreasonable to withhold the amount of the claimants on the ground that there is nobody to represent the deceased respondent no.4 - Ulhasbai Kisan Das. If her share to the extent of $1/6^{\text{th}}$ is kept intact and the balance amount is disbursed, that would subserve the ends of justice.

6. Civil Application is allowed partly permitting the applicants to receive the amount deposited with accrued interest on furnishing undertaking to the satisfaction of the learned Registrar (Judicial) of this Court, save and except $1/6^{\text{th}}$ share of deceased respondent no.4 - Ulhasbai Kisan Das.

7. Office shall invest $1/6^{\text{th}}$ share of deceased respondent no.4 – Ulhasbai Kisan Das in a nationalized bank.

(SHAILESH P. BRAHME, J.)