



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

CIVIL APPLICATION (CAF) NO. 2135 OF 2025

IN

FIRST APPEAL NO. 1185 OF 2009

(VI.D.C. ..vs.. Radhakisan Nathmal Jaju and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J.B. Kasat, Advocate for the appellant,
Mr. N.B. Kalwaghe, Advocate for respondent No.1,
Ms. M.R. Kavimandan, A.G.P. for respondent No.2.

CORAM : ABHAY J. MANTRI, J.

DATED : 09-07-2025

Applicant, who is claiming to be the legal heir of respondent No.1 deceased Radhakisan Nathmal Jaju, has filed this application to permit him to withdraw the amount lying in this Court along with accrued interest thereon, as by judgment and order dated 17-02-2025 this Court dismissed the appeal; for which the learned Advocate for the appellant has given no objection.

2. On perusal of the record, it appears that during the pendency of the appeal, on 01-06-2016, respondent No.1 died. Accordingly, the learned Advocate for respondent No.1 filed a pursis before the Court on 22-08-2023, informing that respondent No.1 had died on 01-06-2016. However, despite the said fact, his legal heir was not brought on record before the passing of the judgment and order. However, by filing this application, the applicant now claims that, based on the Wills dated 27-12-2006 and 06-08-2015, he is the sole legal heir of respondent No. 1. Therefore, he is claiming the amount lying in the Court, along with accrued interest thereon.

3. In view of the above fact, I deem it appropriate to transfer the said amount to the Reference Court at Buldhana along with accrued interest thereon for its disbursement after satisfying itself of the claim of the applicant.

4. The Registrar (J) is directed to transfer the said amount lying in this Court along with accrued interest thereon to the Reference Court, Buldhana, for its disbursement. The Reference Court, Buldhana, after satisfying itself, disburses the said amount in favour of the applicant, or/any person or legal heir of the deceased.

5. The application is disposed of accordingly.

(ABHAY J. MANTRI, J.)

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