



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO. 3060 OF 2025 IN
FIRST APPEAL NO.530 OF 2010

The Union of India

..vs.

Ashok Vyankonda Kolhawar and ors.

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

Court's or Judge's orders

Ms Choubey, Advocate for the appellant.
Shri D.S. Lambat, Advocate for respondents.

CORAM: PRAVIN S. PATIL, J.
DATED : 16/09/2025.

Heard.

2. By this application, the appellant/applicant seeks permission to deposit the balance decretal amount as per judgment and order of this Court dated 06.09.2023.

3. For the reasons stated in the application, the application is allowed. The appellant is permitted to deposit balance amount towards compensation with the Registry of this Court within a period of seven days from today.

4. Registry is directed to accept the same.

5. On oral motion, respondents seeks leave to withdraw the same.

6. Since there is no objection on behalf of the appellant, leave is granted. The respondents are hereby permitted to withdraw the aforesaid amount subject to satisfaction of the Registrar(Judicial).

7. The application stands disposed of.

CIVIL APPLICATION NO. 3061 OF 2025

8. Heard.

9. By this application, the respondents seeks

modification to the judgment of this Court in view of the death of respondent no. 3 on 08.07.2020.

10. It is clear that before the final judgment passed by this Court, respondent no. 3 was expired and it was necessary for the respondents to brought this fact to the notice of this Court at the time of final disposal. However, learned Counsel appearing for the respondents states that at the time of final hearing he himself was not instructed about the same and therefore, the same fact was not brought to the notice of this Court.

11. In the circumstances, the fact remain that respondent no. 3 being expired, the amount awarded to his share cannot be disbursed in the matter. The share which comes to respondent no. 3, therefore, can be disbursed in favour of his father i.e. respondent no.1.

12. Hence, considering this peculiar facts, the application is allowed. The share distributed by leaned Tribunal which is confirmed by this Court by enhancing the amount, which falls to the share of respondent no. 3 be transferred in favour of respondent no. 1.

13. The application is allowed with this modification. The application stands disposed of.

14. Respondents are accordingly permitted to withdraw the same subject to the satisfaction of the Registrar (Judicial).

(PRAVIN S. PATIL, J.)