



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

CIVIL APPLICATION (CAF) NO. 51 OF 2025

IN

FIRST APPEAL NO. 668 OF 2022

(VIDC, Yavatmal V/s Bhanudas Gopal Muneshwar (dead) through L.Rs.)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R. S. Bhoyar, Advocate h/f Mr. A. J. Gohokar,
Advocate for Appellant.

Mr. S. V. Ingole, Advocate for Respondent Nos.1(a) to
1(c) and 2.

Mr. S. U. Bhuyar, Advocate for Applicant/daughter of
Original Respondent.

Ms. H. S. Dhande, AGP for Respondents/State.

CORAM : ROHIT W. JOSHI, J.
DATE : FEBRUARY 05, 2025.

. This is an Application seeking permission to withdraw
half of the amount deposited by the Appellant with this Court.

2. The Applicant in the present Application claims to be
the daughter of Original Respondent – Bhanudas Gopal
Muneshwar. She claims that she is daughter begotten from first
wife of Bhanudas deceased Mandabai, who has expired on
27/9/1990. She alleges that the present Respondent No.2 did not
disclose her name as one of the legal heir of the deceased
Bhanudas and got impleaded her name as well as names of her
children Ashish/Respondent No.1(b) and Puja/Respondent

No.1(c) as legal representatives of the deceased Bhanudas upon his demise. The Applicant claims that she is also Class-I legal heir of deceased Bhanudas and is entitled to receive 1/4th share of compensation awarded in terms of order dated 14/12/2024 passed by this Court.

3. The learned Counsel for Respondent Nos.1(a) to 1(c) and 2 opposes the contention stating that there is a serious dispute as regards the claim of the present Applicant that she is daughter of deceased Bhanudas. She states that MJC No.196/2023 filed by the present Applicant claiming Legal Heirship Certificate under the provisions of Bombay Regulation Act, VIII of 1827 is pending for adjudication in the competent Civil Court. He submits that even if the said MJC is not decided, but 1/4th amount, as deposited by the Appellant, may be kept with this Court and 3/4th amount may be disbursed to the Respondent Nos.1(a) to 1(c) and 2.

4. The Respondent Nos.1(a) – Smt. Shardabai wd/o Bhanudas Muneshwar, 1(b) - Ashish Bhanudas Muneshwar, and 1(c) – Puja w/o Shrikant Shambharkar are allowed to withdraw 3/4th amount as deposited by the Appellant with this Court along with accrued interest, since they are entitled to receive the same even if it is held that the Applicant is daughter of deceased Bhanudas.

5. Remaining 1/4th amount shall remain in deposit with this Court and shall be disbursed, having regard to the decision of MJC No. 196/2023.

6. Civil Application stands disposed of accordingly.

(ROHIT W. JOSHI, J.)

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