

**IN THE COURT OF DISTRICT JUDGE 2, SOLAPUR**  
(Presided over by PP. Rajvaidya)

**Civil Misc. Application No.49/2020**

Subhash Ramchandra Khadtare and  
Bhalchandra Ramchandra Khadtare  
Versus  
District Collector through DGP, Solapur

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**Order Below Exh.56**

Read the application vide which applicant No.2 has prayed to permit him to withdraw the main application on account of death of applicant No.1 with liberty to file fresh proceeding before the appropriate forum in respect of the claim for pensionary or other benefits payable to deceased applicant No.1. Learned AGP has endorsed no objection on this application. Main application is filed under Section 52 of Mental Health Act for appointing applicant No.2 as guardian of applicant No.1. The contention raised in the application about causing of death of applicant No.1 is supported by the copy of death certificate produced earlier with application Exh.5. Once the applicant No.1 has expired, the very cause for filing application Exh.1 does not survive and said application has become infructuous. If applicant No.2 can initiate any proceeding, the same shall have to be considered within the four corners of the law. Having regards to it, since applicant No.2 is claiming that he shall initiate appropriate proceeding before the appropriate forum for seeking monitory and pensionary benefit payable to the deceased applicant No.1, there appears no reason for not granting him liberty for the same. Thus, an order :

**ORDER**

1/- Application Exh.56 is allowed in terms of its prayer clause 1 and 3.

2/- See Order Below Exh.1.

Date : 13/03/2026.

Sd/-  
(PP. Rajvaidya)  
District Judge 2, Solapur

