

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

**CIVIL APPLICATION (CAF) NO. 1119 OF 2024 IN**  
**FIRST APPEAL NO. 424 OF 2018**

The Executive Engineer, Lower Wardha Project Division, Wardha  
.Vs.

Ramaji s/o Upashya Sahare dead through LRs and Ors.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions Court's or Judge's orders.  
and Registrar's Orders.

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Mr. Amit Kukday, Advocate for the appellant.  
Mr. C.R. Najbile, Advocate for respondent No.1 to 5.  
Ms Kavita Bhodge, AGP for respondent Nos.7 and 8.

**CORAM : G.A. SANAP, J.**  
**DATE : 16<sup>th</sup> April, 2024**

Heard.

2. It is seen that vide order dated 18.03.2019 respondent Nos.1 to 5 have been allowed to withdraw the amount of compensation. It appears that in the meantime respondent No.2 died. His legal heirs have been brought on record. The Advocate has made this fresh application not only on behalf of respondent No.2 (A) to 2 (B) but also on behalf of respondent Nos.1, 3, 4 and 5. Since the order is already passed in favour of respondent Nos.1, 3, 4 and 5, therefore, application may not be required. As far as the only added respondent Nos.2 (A) to 2(B) fresh order may be required. Accordingly, the application is allowed. The amount of compensation be paid to respondent Nos.2(A) and 2(B) being the legal heirs of deceased respondent No.2

in terms of order dated 18.03.2019. Respondent Nos.1, 3, 4 and 5 are also entitled to withdraw the amount of compensation in terms of order dated 18.03.2019.

3. Application stands disposed of, accordingly.

**FIRST APPEAL NO. 424 OF 2018**

1. Three weeks time is granted to the appellant to file paper book. If paper book is not filed within three weeks, then appellant shall pay cost of Rs.2500/-.

(G. A. SANAP, J.)