

MHAU020043332023



COMMON ORDER BELOW EXH. 1, 37 and 54 IN L.R.M.A. No.
12/2023
(Dhondabai Gokul Bansode Vs. Tanhabai Gavaji Kulkarni)

1] This petition was filed by claimants of LAR No. 242/2013 decided by 3rd Jt. Civil Judge Senior Division, Aurangabad on 03/12/2018 in relation to award passed in said reference. On 12/06/2023, the claimants filed application Exh. 37 for withdrawal of their 1/3rd share in the amount deposited by acquiring body in the court in relation to award. The respondents have filed First Appeal bearing No. 998/2019 before Hon'ble Bombay High Court Bench at Aurangabad.

2] On 04/05/2024, the claimant namely Sainath Nana Kulkarni and the respondents namely Manohar Gavaji Kulkarni, Vinod Gavaji Kulkarni and Avinash Gavaji Kulkarni appeared before court alongwith their learned counsels. They have filed joint pursis at Exh. 61 to disburse the amount deposited in court as per order passed in Civil Application No. 2466/2024 in F.A. No. 998/2019 on 17/04/2024 by Hon'ble Bombay High Court Bench at Aurangabad on the basis of mediation report and deed of compromise in between claimants and respondents. The learned counsel for claimants also filed one pursis at Exh. 60 to disburse the share of claimants to them as per compromise.

The copy of said order alongwith mediation report and deed of compromise are filed by respondents at Exh. 58 and by claimants at Exh. 55. It appears that, the parties to LAR No. 242/2013 have settled the dispute regarding apportionment of compensation amount in relation to award passed in LAR No. 242/2013 by way of compromise before Hon'ble Bombay High Court Bench at Aurangabad and F.A. No. 998/2019 has been disposed of in terms of mediators report at "X" and it is ordered to disburse the amount deposited before reference court in terms of the mediators report at "X". The respondents have also filed application Exh. 54 to disburse the amount of compensation to them as per compromise. The report of Asst. Supt., Civil Court Senior Division, Aurangabad was called and he submitted that, total amount of Rs. 18080635/- is lying in relation to LAR No. 242/2013 in F.D.R. D NO. 204 dated 01/11/2023 and D No. 66 dated 21/06/2023 with Union Bank of India. Hence, in view of mediator report and deed of compromise Exh. "X" and order passed in Civil Application No. 2466/2024 in F.A. No. 998/2019 dated 17/04/2024, I pass following order-

ORDER

Proceeding is disposed off in following terms-

1. Amount of Rs. 73,50,000/- (Rs. Seventy Three Lacs Fifty Thousand only) be paid to claimant No. 1 of LAR No. 242/2013 namely Dhondabai Gokul Bansode_
2. Amount of Rs. 73,50,000/- (Rs. Seventy Three Lacs Fifty

Thousand only) be paid to claimant No. 2 of LAR No. 242/2013 namely Sitabai Kashinath Magare, Claimant No. 3-A Ashabai Raosaheb Magare, Claimant No. 3-B Vilas Nana Kulkarni, Claimant No. 3-C Sainath Nana Kulkarni, Claimant No. 3-D Usha Milind Borde, Claimant No. 4 Babibai Kantilal Salve, Claimant No. 5 Dadarao Kachru Jagdhane and Claimant No. 6 Shobha Babasaheb Magare Jointly and collectively.

3. The remaining amount after deducting Rs. 1,47,000,00/- (Rs. One Crore Forty Seven Lacs only) from total amount of Rs. 1,80,80,635/- (Rs. One Crore Eighty Lacs Eighty Thousand Six Hundred Thirty Five only) including the interest accrued thereon till its realization over and above Rs. 1,47,000,00/- be paid to the respondents of L.A.R. 242/2013 namely Tanhabai Gavaji Kulkarni died during pendency of appeal through her legal representatives namely Vijaya Chandrakant Wakde, Manohar Gavaji Kulkarni, Vinod Gavaji Kulkarni Surekha Raju Khandekar and Avinash Gavaji Kulkarni jointly and collectively.
4. Copy of this order be kept in record and proceeding of LAR No. 242/2013

Place: Aurangabad
Date: 06.05.2024

(Sau. S.D. Panjwani)
Jt. Civil Judge Senior Division,
Aurangabad.

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original Judgment.

Name of the Stenographer	:- Syed Haroon
Court	:- Jt. CJSD, Aurangabad
Date	:- 06.05.2024
Judgment signed by the Presiding Officer on:-	06.05.2024
Judgment/Order uploaded on	:- 06.05.2024