

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

930 FIRST APPEAL NO.426 OF 2007
WITH CA/3389/2007 IN FA/426/2007

ANIL RAMKISAN RATHOD
VERSUS
MIRA RAJENDRA DESALE AND ANOTHER

...
Advocate for Appellant : Mr. Netrali N Gangwal

Advocate for Respondent No. 1 : Mr. R. K. Temkar

...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 30.08.2022

PER COURT :

. Vide order dated 17.08.2022 last chance for taking steps to bring on record legal representatives of deceased appellant is already granted and it was also observed that on failure to take steps the appeal should be abated. Today also nobody is present on behalf of the appellant who died long back i.e. on 05.08.2020. In view of the same, the appeal is hereby abated.

2. Further it appears that vide order dated 29.04.2011, this Court had permitted the applicants to withdraw amount of Rs. 2,00,000/- out of the amount of Rs. 3,00,000/- deposited while granting stay to

the execution. The learned counsel for the respondents-claimants submits that though there was an order of withdrawal as aforesaid but the claimants could not arrange solvent security for withdrawal of amount of Rs. 2,00,000/-. As such, it appears that the entire amount of Rs. 3,00,000/- is pending with this Court. Under such circumstances whatever amount is lying with this Court in respect of the compensation of the claimants be paid to them along with interest accrued thereon till date.

3. The appeal is accordingly disposed of.

4. Needless to say that the interim stay granted by this Court under order dated 07.09.2007 also stands vacated.

5. Pending Civil Applications, if any, are disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

.....

shp/-