

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

975 CIVIL APPLICATION NO. 2719 OF 2016
IN FA/186/2015 WITH CA/12606/2013 IN FA/187/2015 WITH
CA/16955/2015 IN FA/186/2015 WITH CA/16956/2015 IN
FA/187/2015 WITH CA/2731/2016 IN FA/187/2015

THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION, NANDED
VERSUS
RADHESHYAM NAGNATHRAO PATIL AND OTHERS

...
Advocate for Applicants : Patil Raturaj C.
AGP for Respondents 2 & 3 : C.V. Dharurkar
Advocate for Respondent 1 : P P Mandlik
...

CORAM : T.V. NALAWADE, J.
DATED : 4th March, 2016.

ORDER :

1. Two applications are filed by the appellant for giving permission to bring the legal heirs of deceased respondent - Radheshyam Patil by condoning delay, if any. It appears that learned counsel Shri. Mandlik has already filed appearance for proposed legal heirs of deceased respondent and applications for permission to withdraw the amount are already filed. In view of these circumstances, learned counsel Shri. Mandlik submits that he is appearing for those legal heirs. So, the applications filed for permission to bring legal heirs of deceased respondent is allowed by condoning delay, if any. Amendment is to be carried out in appeals.

2. In applications filed for withdrawal of amount, the learned counsel for original claimants seeks time. The learned counsel for Acquiring Body has produced two orders, one made by Division Bench dated 21.3.2014 and one made by Single Judge dated 21.11.2014. It appears that in the first order made by the Division Bench, permission was only given to withdraw 50% amount of total compensation. Out of that amount 50% amount is allowed to be withdrawn, subject to condition of giving bank guarantee and remaining 50% amount is allowed to be withdrawn by giving solvent surety. It appears that this circumstance was not brought before the Single Judge who made order on 21.11.2014. All these circumstances need to be kept in mind while considering the applications filed for withdrawal of amount. One more circumstance is brought by the learned counsel for Acquiring Body that the first order was challenged in the Supreme Court, but the Supreme Court has maintained that order.

3. Stand over to 18.3.2016.

[T.V. NALAWADE, J.]

ssc/