

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

938 CIVIL APPLICATION NO.11630 OF 2022
IN FA/979/2009 WITH CA/1402/2009 IN FA/979/2009 WITH CA/
11631/2022 IN FA/979/2009

VISHWANATH MAHADA KUMBHAR (DIED) THR LRS DHONDABAI
WD/O AND ORS
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. LATUR THR GMIDC

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Advocate for Applicants : Mr. M. D. Shinde
AGP for Respondent Nos.2 & 3: Mr. A. A. Jagatkar
Advocate for Respondent No.1 : Ms. Sunita D. Shelke h/f
Ms. Kavita K. Teware

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 16/09/2022.

P. C. :

IN CIVIL APPLICATION NO. 11630 OF 2022 :

1. The applicants are seeking permission to bring legal heirs of deceased respondent No.1 in the appeal i.e. Vishwanath Mahada Kumbhar, who admittedly died on 10th April, 2016. The applicants have also prayed for condonation of delay of 2195 days for the said purpose.
2. Though the application is opposed by the learned AGP as well as learned counsel for the acquiring body but considering their right to defend, the application is hereby allowed in terms of prayer clause-B and C. The appellant-acquiring body, who is present respondent No.1 is directed to carry out the amendment forthwith. Application is accordingly disposed of.

IN CIVIL APPLICATION NO. 11631 OF 2022 :

1. Heard.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the acquiring body alongwith the interest accrued thereon.
3. The learned counsel for the acquiring body opposed the application on the ground that the reference court has granted exorbitant amount of compensation which is beyond four times of the amount granted by SLAO.
4. However, though the award is of 2008, but the amount appears to be deposited in the year 2020. In view of the same and considering the enhancement granted by the learned reference court, which is more than four times, the applicants are permitted to withdraw 50% of the deposited amount of compensation alongwith the interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court. The civil application is accordingly disposed of.

IN CIVIL APPLICATION NO. 1402 OF 2009 :

1. Since the acquiring body has deposited entire amount of the award alongwith interest accrued thereon, the application is made absolute in terms of prayer clause – B. Civil application is disposed of.

(SANDIPKUMAR C. MORE, J.)