

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

909 CIVIL APPLICATION NO.14374 OF 2022 IN FA/3316/2021
WITH
CIVIL APPLICATION NO.10919 OF 2021 IN FA/3316/2021
WITH
CIVIL APPLICATION NO.14376 OF 2022 IN FA/3316/2021

APPARAO SHANKAR JADHAV (DIED) THR LRS. LAXMIBAI
APPARAO JADHAV AND ORS
VERSUS
THE EXE. ENGINEER, MINOR IRRIGATION DIV. NO.1,
AURANGABAD UNDER G.M.I.D.C. AND ANR

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Advocate for Applicants : Mr. D. A. Bide
AGP for Respondent NO.2: Mr. S. N. Kendre
Advocate for Respondent NO.1 : Mr. R. B. Gaikwad

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 11/10/2022.**

P. C. :

IN CIVIL APPLICATION NO.14374 OF 2022 :

1. Heard rival submissions.
2. The applicants, who are the legal representatives of original sole respondent – Apparao Shankar Jadhav, are seeking permission to bring themselves on record since Apparao has admittedly died on 24/10/2021 as per the death certificate attached. There is also delay of 101 days.
3. However, considering the right to defend, the application is allowed in terms of prayer clause – B, C and D and disposed of accordingly.

4. The appellant – acquiring body shall out the amendment forthwith.

IN CIVIL APPLICATION NO.14376 OF 2022 :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of entire amount of compensation of the impugned award, which has been deposited by the acquiring body. This court in other similar matters vide order dated 08/09/2022, has already permitted the applicants therein to withdraw entire amount. As such, similar order would follow.
3. The application is allowed and applicants are permitted to withdraw 75% of the deposited amount alongwith the accrued interest thereon till date, on furnishing usual undertaking before the Reference Court.
4. The applicants are further permitted to withdraw remaining 25% amount alongwith the accrued interest till date by furnishing solvent surety / security before the reference court.
5. Accordingly the application is disposed of.

IN CIVIL APPLICATION NO.10919 OF 2021 :

The acquiring body who has filed this appeal has already deposited entire amount of the impugned award as per order dated 7/12/2021. As such, the application is made absolute in terms of prayer clause- B and accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)