

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.16836 OF 2022 IN
FIRST APPEAL NO. 782 OF 2021**

Tukaram s/o Mala Shinge (died)
through L. Rs.

Applicants

Versus

The Executive Engineer,
Irrigation Department Strengthening
Division, Omerga & others

Respondents

Ms. L. R. Thakur, advocate holding for Mr. L. C. Patil,
advocate for the Applicants.

Mr. R. A. Tambe, advocate for Respondent No.1.

Mr. P. M. Kulkarni, AGP for Respondents No. 2 & 3.

**WITH
CIVIL APPLICATION NO. 16842 OF 2022 IN
FIRST APPEAL NO. 797 OF 2021**

Chotumiya @ Khurshidmiya s/o
Chunnimiya Deshmukh

Applicant

Versus

The State of Maharashtra & others

Respondents

Ms. L. R. Thakur, advocate holding for Mr. L. C. Patil,
advocate for the Applicant

Mr. B. V. Virdhe, AGP for Respondents No. 1 & 2.

Mr. R. A. Tambe, advocate for Respondent No.3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 14th December, 2022.

PC :

Heard rival submissions.

The applicants, being the legal representatives of original respondent Tukaram Mala Shinge in F. A. No. 782/2021 and the applicant, being the legal representative of original respondent Chotumiya @ Khurshidmiya s/o Chunnimiya Deshmukh, are seeking permission to bring themselves on record by condoning the delay. There is no strong oppose from the other side i.e. acquiring body since it was under an obligation to bring legal representatives of deceased respondent on record. Tukaram admittedly died on 04.08.2009 as per the copy of the death certificate annexed with the application and Chotumiya @ Khurshidmiya s/o Chunnimiya Deshmukh died on 04.03.2013, as per the copy of the death certificate annexed with the application.

As such, considering the right to defend, both the Civil Applications stand allowed in terms of prayer clause "B". The acquiring body is directed to carry out the amendment forthwith.

(SANDIPKUMAR C. MORE)
JUDGE

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.16838 OF 2022 IN
FIRST APPEAL NO. 782 OF 2021**

Tukaram s/o Mala Shinge (died)
through L. Rs.

Applicants

Versus

The Executive Engineer,
Irrigation Department Strengthening
Division, Omerga & others

Respondents

Ms. L. R. Thakur, advocate holding for Mr. L. C. Patil,
advocate for the Applicants.

Mr. R. A. Tambe, advocate for Respondent No.1.

Mr. P. M. Kulkarni, AGP for Respondents No. 2 & 3.

**WITH
CIVIL APPLICATION NO. 16843 OF 2022 IN
FIRST APPEAL NO. 797 OF 2021**

Chotumiya @ Khurshidmiya s/o
Chunnimiya Deshmukh

Applicant

Versus

The State of Maharashtra & others

Respondents

Ms. L. R. Thakur, advocate holding for Mr. L. C. Patil,
advocate for the Applicant

Mr. B. V. Virdhe, AGP for Respondents No. 1 & 2.

Mr. R. A. Tambe, advocate for Respondent No.3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 14th December, 2022.

PC :

Heard rival submissions.

The respective applicants are seeking withdrawal of deposited amounts of compensation. The record shows that the acquiring body has deposited 60% of the total compensation amounts, as directed by this Court vide order dated 23.06.2021. Further, this Court, vide order dated 10th October, 2022, has permitted the applicants, in other connected matters, to withdraw 100% of the deposited amount along with accrued interest thereon. As such, the same order will follow.

The respective applicants are, therefore, permitted to withdraw 90% of the deposited amount along with accrued interest thereon till date on furnishing usual undertaking before the Registrar (J) of this Court and the remaining 10% amount of the compensation along the accrued interest thereon till date by furnishing solvent surety/security.

Both the Civil Applications are accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb