

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

45 CIVIL APPLICATION NO.1219 OF 2020
IN FAST/2447/2020 WITH CA/542/2023 IN FAST/2447/2020
WITH CA/543/2023 IN FAST/2451/2020 WITH CA/1217/2020 IN
FAST/2451/2020

THE EX. ENGINEER, MINOR IRRIGATION DIVISION - 1
AURANGABAD AND ANR
VERSUS
SURESHCHANDRA RAMNARAYAN SOMANI (DIED) THR LRS.
SUNITA SURESH SOMANI AND ORS

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Advocate for Applicant : Mr. R. C. Patil
AGP for Applicant No.2: Mr. S. N. Kendre
Advocate for Respondent Nos.1 to 3 : Mr. A. M. Hajare

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 16/01/2023.**

P. C. :

A) IN CIVIL APPLICATION NOS.1219 OF 2020 AND 1217 OF 2020 :-

1. Heard rival submissions.
2. The applicant acquiring body is seeking condonation of delay of 2629 days in both these applications, which appears to be caused due to obtaining sanctions at various stages. There is no strong objection from the other side.
3. In view of the same, the delay of 2629 days in these applications stands condoned.
4. The appeals be placed for admission after removal of office objections, if any.
5. The applications are accordingly disposed of.

B) IN CIVIL APPLICATION NO.542 OF 2023 :

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 applicants placed reliance on the order dated 19/09/2022 in connected matters wherein the applicants therein are allowed to withdraw 50% of the deposited amount.
4. In view of the same, the applicants herein are permitted to withdraw 50% of the deposited amount alongwith the proportionate accrued interest till date by furnishing usual undertaking before Registrar (Judicial) of this court.
5. The remaining amount be invested in FDR in any nationalized bank on yearly basis till final disposal of this appeal.
6. The application is accordingly disposed of.

C) CIVIL APPLICATION NO.543 OF 2023 :-

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 applicants placed reliance on the order dated 19/09/2022 in connected matters, wherein the applicants therein, are allowed to withdraw 50% of the deposited amount.
4. In view of the same, the applicants herein are permitted to withdraw 50% of the deposited amount alongwith the proportionate accrued interest till date by furnishing usual undertaking before

Registrar (Judicial) of this court. The aforesaid amount is permitted to be withdrawn by applicant No.2.1 Pramilabai Nandkishor Somani for herself and being power of attorney for applicant Nos.2.2 and 2.3.

5. The remaining amount be invested in FDR in any nationalized bank on yearly basis till final disposal of this appeal. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)