

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

972 CIVIL APPLICATION NO.7219 OF 2023
IN FAST/3312/2023 WITH CA/1393/2023 IN FAST/3312/2023
WITH CA/1395/2023 IN FAST/3312/2023

DILIP GEMSINGH JADHAV AND ORS
VERSUS
EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION NANDED
NOW VISHNUPURI PROJ DIVN 2 NANDED AND ORS

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Advocate for Applicants : Mr. A. M. Hajare
AGP for Respondent Nos.2 & 3: Mr. B. V. Virdhe
Advocate for Respondent No.1 : Mr. B. R. Surwase

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 12/07/2023.**

P. C. :

A) ORDER IN C.A. NO.7219 OF 2023 :

1. Heard rival submissions.
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. It appears that the acquiring body has deposited only 75% of the total compensation.
3. Vide order dated 19/06/2023, this court in other connected matter, has already permitted the applicants therein to withdraw 60% of the total compensation amount. In view of the same, the present applicants are permitted to withdraw 60% of the total compensation alongwith the proportionate interest accrued thereon, on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

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

B) ORDER IN C.A. NO.1393 OF 2023 :

1. Heard rival submissions.
1. The appellant – acquiring body is seeking condonation of delay of 243 days, which appears to be caused due to obtaining sanctions at various stages. There is no strong objection from other side and therefore the delay of 243 days, stands condoned.
2. The appeal be placed for admission after removal of office objections, if any. Application is accordingly disposed of.

C) ORDER IN C.A. NO.1395 OF 2023 :

Since the appellant acquiring body has deposited the amount of compensation as directed by this court, the application is made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)