

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

917 CIVIL APPLICATION NO.3544 OF 2023
IN FAST/40481/2019 WITH CA/3543/2023 IN
FAST/40481/2019 WITH CA/1468/2020 IN FAST/40481/2019
WITH CA/1469/2020 IN FAST/40481/2019

ARJUN VISHNU NEMADE (DIED) THROUGH LRS SUMANBAI
ARJUN NEMADE AND OTHERS

VERSUS

THE EX. ENGINEER, M.I.D.C., JALGAON AND OTHERS

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Mr. Y.R. Neb, Advocate holding for Mr. Ajeet B.Kale,
Advocate for the applicants.

Mr. S.S. Dande, Advocate for respondent No.1.

Mr. A.B. Chate, A.G.P. for respondent Nos.2 and 3.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 27th June 2023.

ORDER:-

IN CIVIL APPLICATION NO. 3544 OF 2023 :

1. Heard rival submissions. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the M.I.D.C. Acquiring Body alongwith the interest accrued thereon.

2. This Court, vide order dated 25.01.2023 in other connected matter, has already permitted the applicants therein to withdraw 50% of the deposited amount. In view of the same the applicants herein are permitted to withdraw 50% of the deposited amount of compensation alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

3. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.
4. The civil application is accordingly disposed of.

IN CIVIL APPLICATION NO. 3543 OF 2023 :

1. Heard rival submissions.
2. The applicants are seeking permission to bring on record the legal representatives of applicant No.1 Padmabai Vishnu Nemade i.e. original respondent No.1-F, who admittedly died on 31.07.2019, by condoning delay of 1115 days.
3. The learned Counsel Mr. Dande appearing for M.I.D.C. Acquiring Body did not raise any objection. In view of the same, the application stands allowed in terms of prayer clauses-B and C.
4. The appellant - Acquiring Body is directed to carry out the amendment forthwith.
5. Application is accordingly disposed of.

IN CIVIL APPLICATION NO. 1468 OF 2020 :

1. The learned Counsel holding for Mr. Kale waives service for legal heirs of respondent No.1-F and 3.
2. Heard rival submissions
3. The appellant – Acquiring Body is seeking condonation of delay of 265 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 265 days stands condoned.

4. The appeal be placed for admission after removal of office objections, if any.
5. Application is accordingly disposed of.

IN CIVIL APPLICATION NO. 1469 OF 2020 :

1. The learned Counsel holding for Mr. Kale waives service for legal heirs of respondent No.1-F and 3.
2. Since the appellant – Acquiring Body has deposited amounts 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.)