

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

916 CIVIL APPLICATION NO. 7676 OF 2023
IN FIRST APPEAL (ST) NO. 4886 OF 2021
WITH CA/7583/2021 IN FAST/4760/2021
WITH CA/7584/2021 IN FAST/4760/2021
WITH CA/7589/2021 IN FAST/4878/2021
WITH CA/7591/2021 IN FAST/4878/2021
WITH CA/7585/2021 IN FAST/4882/2021
WITH CA/7586/2021 IN FAST/4882/2021
WITH CA/7587/2021 IN FAST/4886/2021
WITH CA/7588/2021 IN FAST/4886/2021
WITH CA/7677/2023 IN FAST/4886/2021
WITH CA/7680/2023 IN FAST/4882/2021
WITH CA/7678/2023 IN FAST/4760/2021
WITH CA/7679/2023 IN FAST/4878/2021

BHALCHANDRA VASUDEO PARALKAR DIED THR LRS
MANGALABAI PARALKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR
OSMANABAD AND OTHERS

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Mr. L.C. Patil – Advocate for Applicants
Mr. S.N. Kendre – AGP for Respondent Nos.1 and 2, State
Ms. S.D. Shelke – Advocate for Respondent No.3

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 6th July, 2023

PER COURT :

CIVIL APPLICATION NO. 7677 OF 2023

1. Heard rival submissions.

2. The applicants are seeking permission to bring themselves on record in the appeal being the legal representatives of sole claimant – respondent No.1 – Bhalchandra Vasudeo Paralkar, who admittedly died on 6th December, 2020, by condoning the delay of 339 days.

3. There is no strong objection from other side and considering the right to defend, the application stands allowed in terms of prayer clause 'B' and 'C'.

4. The appellant – acquiring body is directed to carry out the amendment forthwith.

5. The application is accordingly disposed of.

CIVIL APPLICATION NO. 7676 OF 2023

CIVIL APPLICATION NO. 7680 OF 2023

CIVIL APPLICATION NO. 7678 OF 2023

CIVIL APPLICATION NO. 7679 OF 2023

6. Heard rival submissions.

7. The respective applicants in all these applications are seeking withdrawal of their amounts of compensation, which have been deposited by the acquiring body alongwith the

interest accrued thereon. It appears that the acquiring body in all these matters has deposited only 50% of the compensation amounts.

8. This Court vide order dated 30th June, 2023 in other connected matters has already permitted the applicants therein to withdraw 50% of the total compensation amounts.

9. In view of the same, present applicants are permitted to withdraw the entire deposited compensation amounts that means 50% of the total compensation amounts alongwith the interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

10. The civil applications are accordingly disposed of.

CIVIL APPLICATION NO. 7584 OF 2021
CIVIL APPLICATION NO. 7591 OF 2021
CIVIL APPLICATION NO. 7586 OF 2021
CIVIL APPLICATION NO. 7588 OF 2021

11. Since the appellant – acquiring body in all these matters, has deposited the amount of compensation as directed by this

Court, the applications are made absolute in terms of prayer clause – B and disposed of.

CIVIL APPLICATION NO. 7583 OF 2021

CIVIL APPLICATION NO. 7589 OF 2021

CIVIL APPLICATION NO. 7585 OF 2021

CIVIL APPLICATION NO. 7587 OF 2021

12. The appellant – acquiring body in all these applications is seeking condonation of delay of 2194 days, which appears to be cause due to obtaining sanctions at various stages. There is no strong objection from other side and therefore the delay of 2194 days stands condoned.

13. The appeals be placed for admission after removal of office objections, if any.

14. The applications are accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE