

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

32 CIVIL APPLICATION NO.5711 OF 2023
IN FAST/5197/2021 WITH CA/13798/2021 IN
FAST/5197/2021 WITH CA/13799/2021 IN FAST/5197/2021
WITH CA/13800/2021 IN FAST/5285/2021 WITH
CA/13801/2021 IN FAST/5285/2021 WITH CA/13802/2021
IN FAST/5290/2021 WITH CA/13803/2021 IN
FAST/5290/2021 WITH CA/13804/2021 IN FAST/5294/2021
WITH CA/13805/2021 IN FAST/5294/2021 WITH
CA/5712/2023 IN FAST/5285/2021 WITH CA/5717/2023 IN
FAST/5294/2021 WITH CA/5714/2023 IN FAST/5290/2021
WITH CA/5716/2023 IN FAST/5290/2021 WITH
CA/5718/2023 IN FAST/5294/2021

SUDAM GANGARAM JARANDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

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Mr. Abhijit More, Advocate for the applicants.
Mr. S.P. Tiwari, A.G.P. for respondent Nos.1 and 2.
Mr. S.G. Bhalerao, Advocate for respondent No.3.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 10th July 2023.

ORDER:-

IN CIVIL APPLICATIONS FOR WITHDRAWAL :

1. Heard rival submissions.
2. The respective applicants are seeking withdrawal of their respective amounts of compensation alongwith the interest accrued thereon which have been deposited by Acquiring Body. It appears that the appellant Acquiring Body in these matters has deposited only 50% of the total compensation amounts, as directed by this Court.

3. Vide order dated 28.04.2023 this Court had already permitted applicants in other connected matters to withdraw deposited amounts of compensation which were in fact 60% of the total compensation amounts. In view of the same, the present applicants are permitted to withdraw the entire deposited amounts equivalent to 50% of the total compensation amounts alongwith the interest accrued thereon till date on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.

4. The civil applications are accordingly disposed of.

IN CIVIL APPLICATION NO. 5716 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 respondent No.1 claimant Gorakh Yeshwanta Zambare, who admittedly died on 28.07.2019, by condoning the delay of 1258 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.
4. The appellant - Acquiring Body is directed to carry out the amendment forthwith.
5. Application is accordingly disposed of.

IN CIVIL APPLICATION NO. 5718 OF 2023 :

1. Heard rival submissions.
2. The applicants are seeking permission to bring the legal representatives of deceased respondent No.2 and 3 Bhagwan Yashwanta Zambare and Gorakh Yashwanta Zambare, who

admittedly died on 04.01.2021 and 28.07.2019 respectively, by condoning the respective delay periods of 1463 and 1258 days.

3. There is no strong objection from other side and considering the right to defend, 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 APPLICATIONS FOR CONDONATION OF DELAY :

1. The appellant – Acquiring Body in all these applications is seeking condonation of delay of 395 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 395 days stands condoned.

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

3. Applications are accordingly disposed of.

IN CIVIL APPLICATIONS FOR STAY :

. Since the appellant – Acquiring Body has deposited amounts of compensation as directed by this court, the applications are made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)