

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

922 CIVIL APPLICATION NO.2775 OF 2023
IN FAST/4946/2019 WITH CA/3467/2019 IN FAST/4946/2019
WITH CA/3468/2019 IN FAST/4946/2019 WITH CA/2842/2023 IN
FAST/4946/2019

APPASAHEB MOHANRAO CHEDE DIED THR LRS MINA
APPASAHEB CHEDE AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OSMANABAD AND ANR

...
Advocate for Applicants : Mr. Ankush Nagargoje h/f
Mr. D. M. Mane
AGP for Respondent-State: Mr. S. W. Mundhe
....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 02/03/2023.**

P. C. :

A) ORDER IN CIVIL APPLICATION NO.2775 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 respondent- claimant – Appasaheb Mohanrao Chede, who admittedly died on 06/11/2013, by condoning the delay of 3279 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-A & B.
4. The appellant - acquiring body is directed to carry out the amendment forthwith.

5. Application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.2842 OF 2023 :

1. Heard rival submissions .
2. The applicants are seeking withdrawal of entire amount of compensation, which has been deposited by the State- acquiring body alongwith the interest accrued thereon.
3. The learned AGP strongly opposed the application on the ground that the reference court has awarded interest not from the date of award under Section 11 but from the date of notification.
4. However, it appears that the reference court has granted compensation within the four times as that of SLAO. In view of the same, the present applicants are permitted to withdraw 75% of the deposited amounts alongwith the proportionate interest accrued thereon on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.
5. They are further permitted to withdraw the remaining 25% amount alongwith with interest accrued thereon, on furnishing solvent surety / security.
6. The civil application is accordingly disposed of.

C) ORDER IN CIVIL APPLICATION NO.3468 OF 2019 :

Since the State acquiring body has deposited entire amount of compensation alongwith the interest, the application is made absolute in terms of prayer clause-B and disposed of.

D) ORDER IN CIVIL APPLICATION NO.3467 OF 2019 :

1. The appellant – acquiring body is seeking condonation of delay of 2845 days, which appears to be caused due to obtaining

sanctions at various stages. There is not strong objection from other side and therefore the delay of 2845 days stands condoned.

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

(SANDIPKUMAR C. MORE, J.)

VS Maind/-