

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

934 CIVIL APPLICATION NO.3938 OF 2023
IN FAST/3049/2021 WITH CA/343/2022 IN FAST/3049/2021
WITH CA/335/2022 IN FAST/3207/2021 WITH CA/339/2022
IN FAST/3219/2021 WITH CA/341/2022 IN FAST/3230/2021
WITH CA/3939/2023 IN FAST/3230/2021
NAVNATH TUKARAM KAPSE AND ANOTHER
VERSUS
THE EX. ENGINEER, M.I.D. SINCHAN BHAVAN, OSMANABAD
AND OTHERS

AND

935 CIVIL APPLICATION NO.3940 OF 2023
IN FAST/23321/2020 WITH CA/3943/2023 IN
FAST/23334/2020 WITH CA/3941/2023 IN
FAST/23142/2020 WITH CA/3942/2023 IN
FAST/23344/2020 WITH CA/3944/2023 IN
FAST/23353/2020 WITH CA/1403/2021 IN
FAST/23142/2020 WITH CA/1404/2021 IN FAST/23142/2020
WITH CA/1405/2021 IN FAST/23321/2020 WITH
CA/1406/2021 IN FAST/23321/2020 WITH CA/1407/2021 IN
FAST/23327/2020 WITH CA/1408/2021 IN
FAST/23327/2020 WITH CA/1413/2021 IN
FAST/23334/2020 WITH CA/1414/2021 IN
FAST/23334/2020 WITH CA/1411/2021 IN
FAST/23344/2020 WITH CA/1412/2021 IN
FAST/23344/2020 WITH CA/1409/2021 IN
FAST/23353/2020 WITH CA/1410/2021 IN
FAST/23353/2020

HANUMANT DHONDIRAM BOLKE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
SINCHAN BHAVAN, ANANDNAGAR, OSMANABAD AND
OTHERS

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Mr. Nileshsingh J. Patil, Advocate for the applicants.
Mr. Ram Deshpande, Advocate for respondent No.1.
Mr. S.N. Morampalle, A.G.P. for respondent Nos.2 and 3.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 24th March 2023.

ORDER:-

IN WITHDRAWAL APPLICATIONS :

1. Heard rival submissions.
2. The respective applicants are seeking withdrawal of their entire respective amounts of compensation, which have been deposited by the Acquiring Body alongwith the interest accrued thereon.
3. This Court in other connected matters vide order dated 07.09.2021 has already permitted the applicants therein to withdraw 75% of the deposited amounts. In view of the same, present applicants are permitted to withdraw 75% of the deposited compensation amounts alongwith the proportionate interest thereon till date, on usual undertaking to the satisfaction of the Registrar (Judicial) of this court. The remaining amounts be invested in FDR in any Nationalized Bank on yearly renewal basis till final disposal of these appeals.
4. The civil applications are accordingly disposed of.

IN THE APPLICATIONS FOR CONDONATION OF DELAY :

1. Leave to make correction in respect of respondent No.3 who has become major in CA No.1405 of 2021.

2. The appellant – Acquiring Body in all these applications is seeking condonation of delay of 1831 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 1831 days stands condoned.

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

4. Applications are accordingly disposed of.

IN THE APPLICATIONS FOR STAY :

1. Leave to make correction in respect of respondent No.3 who has become major in CA No.1406 of 2021.

2. Since the appellant Acquiring Body has deposited entire amounts of compensation, the applications are made absolute in terms of prayer clause (B) and disposed of.

(SANDIPKUMAR C. MORE, J.)