

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

915 CIVIL APPLICATION NO.4358 OF 2023
IN FA/3615/2022 WITH CA/4359/2023 IN FA/3615/2022
WITH CA/11919/2021 IN FA/3615/2022

LAXMAN RAMCHANDRA GAVALI (DIED) THR LRS.
THAGANBAI LAXMAN GAVALI AND ANOTHER
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV. NO.1,
AURANGABAD AND OTHERS

...

Mr. Pradeep Janapurkar, Advocate for the applicants.
Mr. S.S. Dande, A.G.P. for respondent Nos.1 and 2.
Mr. Sudhir Bhalerao, Advocate for respondent No.3.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 3rd May 2023.

ORDER:-

IN CIVIL APPLICATION NO. 4358 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 Laxman Ramchandra Gavali, who admittedly died on 14.07.2020, by condoning the delay of 270 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. 4359 OF 2023 :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of entire 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 23.01.2023, has already permitted the applicants therein to withdraw 75% of the deposited compensation amounts. As such, the applicants herein are also permitted to withdraw the 75% of deposited amounts of compensation alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
4. The remaining amounts be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of these appeals.
5. The civil application is accordingly disposed of.

IN CIVIL APPLICATION NO.11919 OF 2021 :

. Since the appellant – Acquiring Body has deposited entire compensation amount, the application is made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)