

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

938 CIVIL APPLICATION NO.1817 OF 2023
IN FAST/19599/2021 WITH CA/1818/2023 IN
FAST/19989/2021 WITH CA/1819/2023 IN FAST/19993/2021
WITH CA/3128/2023 IN FAST/19989/2021 WITH
CA/9595/2021 IN FAST/19599/2021 WITH CA/9596/2021 IN
FAST/19599/2021 WITH CA/9599/2021 IN
FAST/19989/2021 WITH CA/9600/2021 IN
FAST/19989/2021 WITH CA/9597/2021 IN FAST/19993/2021
WITH CA/9598/2021 IN FAST/19993/2021

PRABHAKAR SHRIPATI PATIL
VERSUS
THE EXECUTIVE ENGINEER, IRRIGATION PROJECT
STRENGTHENING DIV. OMERGA AND OTHERS

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Mr. Ajeet B. Kale, Advocate for the applicants.
Mr. R.A. Tambe, Advocate for respondent No.1.
Mr. A.B. Chate, A.G.P. for respondent No.2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 30th March 2023.

ORDER:-

IN CIVIL APPLICATION NO. 3128 OF 2023 :

1. Heard rival submissions.
2. The applicants are seeking permission to bring themselves on record in the appeal being legal representatives of sole respondent Sagjanabai Shripati Patil, who admittedly died on 23.04.2019, by condoning the delay of 1317 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. Application is accordingly disposed of.

IN THE APPLICATIONS FOR WITHDRAWAL OF AMOUNT :

1. Heard rival submissions.
2. The respective applicants are seeking withdrawal of their amounts of compensation. It appears that the Acquiring Body in all these matters has deposited only 50% of the compensation amounts.
3. The learned counsel for the Acquiring Body though opposed the applications on the ground that the Reference Court has granted exorbitant amount of compensation in respect of trees, borewell, pipeline and land, but fairly submits that in other matter this Court has allowed the applicants therein to withdraw 75% of the amounts of compensation.
4. In view of the same, the present applicants are permitted to withdraw entire deposited amounts which are 50% of the total compensation amount, alongwith the interest accrued thereon till date, on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court
5. The civil applications are accordingly disposed of.

IN THE APPLICATIONS FOR CONDONATION OF DELAY :

1. The appellant – Acquiring Body in all these applications is seeking condonation of delay of 672 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 672 days stands condoned.
2. The appeals be placed for admission after removal of office objections, if any.
3. Applications are accordingly disposed of.

IN THE APPLICATIONS FOR STAY :

. Since the appellant Acquiring Body has deposited the entire amounts of compensation as directed by this Court under order dated 20.09.2021, the applications are made absolute in terms of prayer clause (B) and disposed of.

(SANDIPKUMAR C. MORE, J.)