

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

902 CIVIL APPLICATION NO.2838 OF 2023
IN FA/2305/2021 WITH CA/2837/2023 IN FA/2305/2021 WITH
CA/2833/2023 IN FA/2304/2021 WITH CA/2832/2023 IN
FA/2304/2021 WITH CA/2836/2023 IN FA/2304/2021

SHITAL VISHAL JADHAV
VERSUS
THE EXECUTIVE ENGINEER, IRRIGATION PROJECT
STRENGTHENING DIVISION OMERGA AND OTHERS

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Mr. Apparao Yenegure, Advocate for the applicant.
Mr. B.V. Virdhe, A.G.P. for respondent – State.
Mrs. Sunita Shelke, Advocate for Acquiring Body.
Mr. L.C.Patil, Advocate for original claimants.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 3rd May 2023.

ORDER:-

**IN CIVIL APPLICATION NO.2838 OF 2023 AND CIVIL
APPLICATION NO. 2836 OF 2023 :**

. The learned Counsel for the intervenor Shri Yenegure, on instructions, submits that the intervenor has settled the dispute with respondents - claimants in these appeals out of Court and relinquished her right in the compensation amounts. In view of the same, the intervention applications are withdrawn and disposed of.

**IN CIVIL APPLICATION NO.2837 OF 2023 AND CIVIL
APPLICATION NO. 2833 OF 2023 :**

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. The Acquiring Body has deposited only 75% amount of the impugned awards.

3. However, This Court, in other connected matters, vide order dated 24.04.2023, has already permitted the applicants therein to withdraw 75% i.e. entire deposited compensation amounts. As such, the applicants herein are also permitted to withdraw the entire 75% deposited amounts of compensation i.e. 50% on usual undertaking and 25% on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court alongwith the proportionate interest accrued thereon till date.

4. The civil applications are accordingly disposed of.

IN CIVIL APPLICATION NO. 2832 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 Ram @ Ramrao Baliram Jadhav, who admittedly died on 13.02.2022, by condoning the delay of 284 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. The Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)