

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

908 CIVIL APPLICATION NO.1747 OF 2023

IN FAST/7988/2019 WITH CA/1756/2023 IN FAST/7991/2019
WITH CA/1749/2023 IN FAST/7988/2019 WITH CA/1733/2023 IN
FAST/7077/2019 WITH CA/1753/2023 IN FAST/7985/2019 WITH
CA/14123/2019 IN FAST/7077/2019 WITH CA/14124/2019 IN
FAST/7077/2019 WITH CA/14119/2019 IN FAST/7985/2019 WITH
CA/14118/2019 IN FAST/7985/2019 WITH CA/14120/2019 IN
FAST/7988/2019 WITH CA/14121/2019 IN FAST/7988/2019 WITH
CA/14199/2019 IN FAST/7991/2019 WITH CA/14122/2019 IN
FAST/7991/2019

VISHWAMBHAR SATTANNA NAVTAKE DIED THR LRS SATYAWAN
V.NAVTAKE AND ORS
VERSUS
THE G.M.I.D.C., THR THE EX. ENGINEER, MINOR IRRIGATION
DIV. OSMANABAD AND ORS

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Advocate for Applicants : Ms. Sakshi Kale h/f Mr. A. B. Kale A
AGP for Respondent Nos.2 & 3: Mr. S.N. Kendre
Advocate for Respondent No.1 : Mr. A. M. Gaikwad

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 10/02/2023.

P. C. :

A) CIVIL APPLICATION NO.1747 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- Vishwambhar Sattanna Navtake, who admittedly died on 31/10/2011, by condoning the delay of 4019 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 and C.

4. The appellant - acquiring body is directed to carry out the amendment forthwith. Application is accordingly disposed of.

B) IN CIVIL APPLICATION NOS.1756 OF 2023, 1749 OF 2023, 1733 OF 2023 AND 1753 OF 2023 :

1. Heard .

2. The respective applicants are seeking withdrawal of their amounts of compensation, which has been deposited by the acquiring body alongwith the interest accrued thereon. It appears that the acquiring body in all these matters has deposited only 75% of the communication 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, which is almost ten times of the amount granted by SLAO, but fairly submits that in other matters 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 75% of the compensation amounts that means entire deposited amounts alongwith the interest accrued thereon till date, i.e. 50%, on usual undertaking to the satisfaction of the Registrar (Judicial) of this court and remaining 25% on furnishing solvent surety / security.

6. The civil applications are accordingly disposed of.

C) CIVIL APPLICATION NOS.14123 OF 2019, 14118 OF 2019, 14120 OF 2019 AND 14199 OF 2019 :

1. It appears that all these matters were inadvertently admitted by this court without condoning the delay. Therefore, the delay is to be condoned first.

2. The appellant – acquiring body in all these applications is seeking condonation of delay of 553 days, which appears to be cause due to obtaining sanctions at various stages. There is not strong objection from other side and therefore the delay of 553 days stands condoned. The appeals be placed for admission after removal of office objections, if any.

3. Applications are accordingly disposed of.

D) IN CIVIL APPLICATION NOS.14124 OF 2019, 14119 OF 2019, 14121 OF 2019 AND 14122 OF 2019 :-

Since the appellant – acquiring body has deposited amounts of compensation as directed by this court, the applications are made absolute in terms of prayer clause-A and disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)