

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

941 CIVIL APPLICATION NO.4157 OF 2023
IN FA/614/2022 WITH CA/4791/2022 IN FA/610/2022 WITH CA/
4802/2022 IN FA/614/2022 WITH CA/4792/2022 IN FA/611/2022
WITH CA/4794/2022 IN FA/612/2022 WITH CA/4800/2022 IN
FA/613/2022 WITH CA/4160/2023 IN FA/613/2022 WITH
CA/4159/2023 IN FA/611/2022 WITH CA/4158/2023 IN
FA/612/2022 WITH CA/4161/2023 IN FA/610/2022

SUBHASH S/O ANKUSH KASAB (DIED) THR LRS KALYANI AND
ORS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr. A. B. More
AGP for Respondent Nos.1 & 2: Mr. B. V. Virdhe
Advocate for Respondent No. 3 : Mr. S. B. Patil

...

AND

943 CIVIL APPLICATION NO.4459 OF 2023
IN FAST/10451/2021 WITH CA/4460/2023 IN FAST/10440/2021
WITH CA/4462/2023 IN FAST/10448/2021 WITH CA/4461/2023
IN FAST/10436/2021 WITH CA/4463/2023 IN FAST/10454/2021
WITH CA/6834/2021 IN FAST/10436/2021 WITH CA/6835/2021
IN FAST/10436/2021 WITH CA/6832/2021 IN FAST/10440/2021
WITH CA/6833/2021 IN FAST/10440/2021 WITH CA/6840/2021
IN FAST/10448/2021 WITH CA/6841/2021 IN FAST/10448/2021
WITH CA/6836/2021 IN FAST/10451/2021 WITH CA/6837/2021
IN FAST/10451/2021 WITH CA/6838/2021 IN FAST/10454/2021
WITH CA/6839/2021 IN FAST/10454/2021

ASHOK DIGAMBAR KASAB
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr. A. B. More
AGP for Respondent Nos.1 & 2: Mr. S. N. Kendre
Advocate for Respondent No. 3 : Mr. M. S. Kulkarni

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AND
 950 CIVIL APPLICATION NO.5706 OF 2023
 IN FA/1938/2022 WITH CA/11354/2022 IN FA/1938/2022 WITH
 CA/11353/2022 IN FA/1937/2022 WITH CA/5720/2023 IN
 FA/1937/2022 WITH CA/5719/2023 IN FA/1937/2022

ARJUN S/O SHRIDHAR MORE
 VERSUS
 THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
 OSMANABAD AND OTHERS

...
 Advocate for Applicants : Mr. A. B. More
 AGP for Respondent Nos.1 & 2: Mr. S. S. Dande
 Advocate for Respondent No. 3 : Mr. G. B. Rajale

...
 AND
 953 CIVIL APPLICATION NO.5722 OF 2023
 IN FAST/12276/2021 WITH CA/6101/2021 IN FAST/12276/2021
 WITH CA/6102/2021 IN FAST/12276/2021

SAMBHA LAXMAN KASAB (DIED) THR LRS SINDHUBAI AND ORS
 VERSUS
 THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
 OSMANABAD AND OTHERS

...
 Advocate for Applicants : Mr. A. B. More
 AGP for Respondent Nos.1 & 2: Mr. S. N. Kendre
 Advocate for Respondent No. 3 : Mr. A. S. Shelke

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 28/04/2023.

P. C. :

**A) ORDER IN CIVIL APPLICATIONS FOR WITHDRAWAL OF
 AMOUNT :**

1. Heard rival submissions.
2. The respective applicants are seeking withdrawal of their respective compensation amounts, which have been deposited by the acquiring body alongwith the interest accrued thereon. It is to

be noted here that the acquiring body in some of the matters have deposited 50% of the total compensation amounts and in some of the matters 75% of the total compensation amounts.

3. The learned counsel for the applicants placed on record copy of order dated 10/02/2023 whereby this court in other connected matters has granted 50% of the entire compensation amounts alongwith the proportionate interest to the applicants therein. As such, the applicants herein are permitted to withdraw their 50% of the entire amounts of compensation alongwith the interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

4. Remaining amounts in some of the matters wherein the acquiring body has deposited 75% of the entire compensation amounts, be invested in FDR in any nationalized bank on yearly renewal basis till final disposal of these appeals.

5. The civil applications are accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.5720/2023 :

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-claimant Pandurang Shridhar More, who admittedly died on 09/06/2022, by condoning the delay of 190 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. Application is accordingly disposed of.

**C) ORDER IN CIVIL APPLICATIONS FOR DELAY
CONDONATION:**

1. Heard rival submissions.
2. The applicant - acquiring body in all these applications, is seeking condonation of delay periods as mentioned therein, which appears to be caused due to obtaining sanctions at various stages. There is no strong objection from other side.
3. As such, the delay periods in all these applications stand condoned.
4. The appeal be placed for admission after removal of office objections, if any. Applications are disposed of.

D) ORDER IN CIVIL APPLICATION FOR STAY :

Since the applicant – acquiring body has deposited the amounts in all these matters as directed by this court, the applications are made absolute in terms of prayer clause-A / B wherever applicable and disposed of.

(SANDIPKUMAR C. MORE, J.)