

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

**919 CIVIL APPLICATION NO.5879 OF 2023
IN FA/2393/2021 WITH CA/5880/2023 IN FA/2393/2021**

**TUKARAM VITTHAL KALE DIED THR KAMALABAI TUKARAM
KALE AND ORS**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND ORS**

...

**Advocate for Applicants : Mr. S. N. Patne
AGP for Respondent-State: Mr. A. B. Chate
Advocate for Respondent No.3 : Mr. R. K. Ingole**

...

AND

**920 CIVIL APPLICATION NO.5959 OF 2023
IN FA/2397/2021 WITH CA/5960/2023 IN FA/2397/2021**

**PANDURANG @ PANDIT AMBAJI BANDGAR @ MANE DIED THR
LRSBHARATBAI PANDIT BANDGAR AND ORS**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND ORS**

...

**Advocate for Applicants : Mr. S. N. Patne
AGP for Respondent-State: Mr. A. B. Chate
Advocate for Respondent No.3 : Mr. R. K. Ingole**

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 28/06/2023.**

P. C. :

A) ORDER IN CIVIL APPLICATION NO.5879 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 claimant

– respondent No.1- Tukaram Vitthal Kale, who admittedly died on 14/02/2023.

3. There is no strong objection from other side and the application within time. As such, considering the right to defend, the application stands allowed in terms of prayer clause-C.

4. The appellant - acquiring body is directed to carry out the amendment forthwith.

5. Application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.5959 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 claimant – respondent No.1- Pandurang @ Pandit Ambaji Bandgar @ Mane, who admittedly died on 06/12/2020, by condoning the delay of 221 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.

5. Application is accordingly disposed of.

C) ORDER IN CIVIL APPLICATION NOS.5880 OF 2023 & 5960 OF 2023 :

1. Heard rival submissions.

2. The respective applicants in both these applications, are seeking withdrawal of the entire amount of compensation, which

has been deposited by the acquiring body alongwith the interest accrued thereon. It appears that the acquiring body has deposited only 80% of the total compensation amount alongwith the proportionate interest.

3. This court vide order dated 27/06/2023 has already permitted the applicants in other connected matters to withdraw 75% of the total compensation amounts.

4. In view of the same, the applicants herein are permitted to withdraw 75% of the total compensation amounts alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining 5% amounts from the total compensation alongwith the proportionate interest thereon, be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of these appeals.

6. The civil applications are accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)