

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

927 CIVIL APPLICATION NO. 5862 OF 2023
IN FIRST APPEAL NO. 2406 OF 2021
WITH CA/5861/2023 IN FA/2405/2021
WITH CA/5860/2023 IN FA/2404/2021
WITH CA/10610/2021 IN FA/2404/2021
WITH CA/10612/2021 IN FA/2405/2021
WITH CA/10614/2021 IN FA/2406/2021

GANPATI PANDURANG MANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR
OSMANABAD AND OTHERS

AND

928 CIVIL APPLICATION NO. 5867 OF 2023
IN FIRST APPEAL NO. 2402 OF 2021
WITH CA/5868/2023 IN FA/2401/2021
WITH CA/10603/2021 IN FA/2401/2021
WITH CA/10607/2021 IN FA/2403/2021
WITH CA/10605/2021 IN FA/2402/2021

CHANDRASEN KRASHNA HARALKAR (DIED) THR LRS
RAJENDRA AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR
OSMANABAD AND OTHERS

AND

929 CIVIL APPLICATION NO. 5870 OF 2023
IN FIRST APPEAL NO. 1755 OF 2021
WITH CA/5869/2023 IN FA/1754/2021
WITH CA/8660/2021 IN FA/1754/2021
WITH CA/8662/2021 IN FA/1755/2021
WITH CA/7825/2023 IN FA/1755/2021

VITTHAL VISHWANATH HARALKAR DIED THR LRS GUNDU
VITHALHARALKAR AND OTHERS

VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR
OSMANABAD AND OTHERS

AND
930 CIVIL APPLICATION NO. 5944 OF 2023
IN FIRST APPEAL NO. 2391 OF 2021

MALANBEE IMAM MUJAWAR (DIED) THR LRS HAMIFABEE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR
OSMANABAD AND OTHERS

...
Mr. S.N. Patne – Advocate for Applicants
Mr. A.B. Chate – AGP for Respondents, State
Mr. B.R. Surwase and Mr. R.K. Ingole, Mr. M.S. Kulkarni –
Advocates for respective Respondents

....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 30th June, 2023

PER COURT :

CIVIL APPLICATION NO. 5870 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 by name Vitthal Vishwanath Haralkar, who admittedly died on 22nd July, 2018, by condoning the delay of 1628 days.
3. There is no strong objection from other side and since

the applicants have now filed separate withdrawal application, the application stands allowed only 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.

**CIVIL APPLICATION NO. 5862 OF 2023
CIVIL APPLICATION NO. 5861 OF 2023
CIVIL APPLICATION NO. 5860 OF 2023
CIVIL APPLICATION NO. 5867 OF 2023
CIVIL APPLICATION NO. 5868 OF 2023
CIVIL APPLICATION NO. 5869 OF 2023
CIVIL APPLICATION NO. 7825 OF 2023
CIVIL APPLICATION NO. 5944 OF 2023**

6. Heard rival submissions.

7. The respective applicants are seeking withdrawal of their amounts of compensation, which have been deposited by the acquiring body alongwith the interest accrued thereon. It appears that, the acquiring body in some of the matters has deposited only 80% and in other matters has deposited 90% of the compensation amounts.

8. This Court vide order dated 28.06.2023 in other connected matters has already permitted the applicants therein to withdraw 75% of the total compensation amounts.

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

10. The remaining amounts be deposited in F.D.R. in any nationalized bank on yearly renewal basis till final disposal of these appeals.

11. The civil applications are accordingly disposed of.

**CIVIL APPLICATION NO. 10610 OF 2021
CIVIL APPLICATION NO. 10612 OF 2021
CIVIL APPLICATION NO. 10614 OF 2021
CIVIL APPLICATION NO. 10603 OF 2021
CIVIL APPLICATION NO. 10607 OF 2021
CIVIL APPLICATION NO. 10605 OF 2021
CIVIL APPLICATION NO. 8660 OF 2021
CIVIL APPLICATION NO. 8662 OF 2021**

12. Since the appellant – acquiring body has deposited

amounts of compensation as directed by this Court in all these matters, the applications are made absolute in terms of prayer clause – A and disposed of.

IN ALL FIRST APPEALS :

13. Heard.

14. **Admit.**

15. Mr. B.R. Surwase and Mr. R.K. Ingole and Mr. M.S. Kulkarni – learned Advocates waive service of notice for all the concerned respondents – claimants.

16. Learned A.G.P. - Mr. A.B. Chate also waives service of notice for respondents – State Authorities.

[SANDIPKUMAR C. MORE]
JUDGE