

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

945 CIVIL APPLICATION NO.5963 OF 2023
IN FA/2622/2021 WITH CA/5962/2023 IN FA/2620/2021
WITH CA/5961/2023 IN FA/2620/2021 WITH FA/2621/2021

VISHNU TRIMBAK HARALKAR (DIED) THROUGH LRS VIJAY
V. HARALKAR AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

AND

946 CIVIL APPLICATION NO.5964 OF 2023
IN FA/2629/2021 WITH FA/2630/2021

SAMBHAJI TULSHIRAM SUTAR (DIED) THR LRS SHANTABAI
SAMBHAJI SUTAR DIED ASHOK SAMBHAJI SUTAR AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

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Mr. Santosh Patne, Advocate for the applicants.

Mr. S.S. Dande, A.G.P. for Respondent – State.

Mrs. Sunita Shelke, Advocate for the Acquiring Body.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 3rd May 2023.

ORDER:-

IN CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNTS :

1. Heard rival submissions.
2. The respective applicants are seeking withdrawal of their respective amounts of compensation, which have 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 impugned awards.

3. This Court, in other connected matters, vide order dated 21.03.2023, has already permitted the applicants therein to withdraw entire deposited compensation amounts. As such, the applicants herein are also permitted to withdraw those 75% deposited amounts of compensation i.e. 50% on usual undertaking and 25% on furnishing solvent security / surety to the satisfaction of the Registrar (Judicial) of this Court, alongwith the proportionate interest accrued thereon till date.
4. Civil Application No. 5964 of 2023 is also allowed in terms of prayer clause (C).
5. The civil applications are accordingly disposed of.

IN CIVIL APPLICATION NO. 5962 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 Dhondiram Narsing Shinde, who admittedly died on 05.05.2021, by condoning the delay of 311 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. Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)