

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

902 CIVIL APPLICATION NO.7384 OF 2023
IN FAST/25404/2021 WITH CA/7385/2023 IN FAST/25404/2021
WITH CA/5420/2022 IN FAST/25404/2021 WITH CA/5423/2022
IN FAST/25404/2021

RAGHUNATH GIRI GUMAN GIRI (DIED) LRS ABHIJEET AND ORS
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND ORS

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Advocate for Applicants : Mr. L. C. Patil
AGP for Respondent Nos.1 & 2: Mr. S. P. Tiwari
Advocate for Respondent No.3 : Mr. S. G. Sangle

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 21/06/2023.**

P. C. :

A) ORDER IN CIVIL APPLICATION NO.7384 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 respondent No.2 – Niraj Raghunath Giri, who admittedly died on 21/10/2022, by condoning the delay of 82 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 in the appeal as well as applications for delay condonation and stay.
5. Application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.7385 OF 2023 :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the acquiring body alongwith the interest accrued thereon.
3. This court in other connected matters vide order dated 12/10/2022 has already permitted the applicants therein to withdraw 70% of the deposited amounts of compensation.
4. In view of the same, the applicants herein, are permitted to withdraw 70% of the deposited amount of compensation alongwith the interest accrued thereon till date i.e. 50% on usual undertaking and 20% on furnishing solvent security /surety to the satisfaction of the Registrar (Judicial) of this court.
5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.
6. The civil application is accordingly disposed of.

C) ORDER IN CIVIL APPLICATION NO.5420 OF 2022 :

1. The learned Mr. Patil causes appearance on behalf of legal representatives of Niraj.
2. The appellant – acquiring body is seeking condonation of delay of 2324 days, which appears to be caused due to obtaining sanctions at various stages. There is no strong objection from other side and therefore the delay of 2324 days stands condoned.
3. The appeal be placed for admission after removal of office objections, if any.
3. Application is accordingly disposed of.

D) ORDER IN CIVIL APPLICATION NO.5423 OF 2023 :

1. The learned Mr. Patil causes appearance on behalf of legal representatives of Niraj.
2. Since the appellant – acquiring body has deposited entire amount of compensation as directed by this court, the application are made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)