

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

58 CIVIL APPLICATION NO. 10185 OF 2022
IN FIRST APPEAL (ST) NO. 8519 OF 2017
WITH CA/10100/2023 IN FAST/8513/2017
WITH CA/10101/2023 IN FAST/8513/2017

SHANKAR MAHADEO SURYAWANSHI (DIED) THROUGH LRS
MAGAN SHANKAR SURYAWANSHI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR OSMANABAD AND OTHERS

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Mr. A.S. More – Advocate for Applicants
Mr. A.M. Gaikwad – Advocate for Respondent No.2
Mr. S.P. Tiwari – AGP for Respondents, State

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 17th August, 2023

PER COURT :

CIVIL APPLICATION NO. 10185 OF 2022

1. At the request of learned Counsel for the applicants, the application stands disposed off with liberty to file fresh application to that effect.

CIVIL APPLICATION NO. 10100 OF 2023

2. Heard rival submissions.

3. This application filed for deleting the name of applicant No. 7 – Subhadra Bhikaji Suryawanshi (Kasab) from entire proceedings pending before this Court, who admittedly died on 07.08.2021 by condoning the delay of 729 days. It appears that, her legal heirs are already on record.

4. As such, the application allowed in terms of prayer clause 'B'.

5. Deletion be carried out forthwith.

CIVIL APPLICATION NO. 10101 OF 2023

6. Heard rival submissions.

7. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the acquiring body alongwith the interest accrued thereon.

8. The learned Counsel for the acquiring body opposed the application on the ground that, the learned Reference Court has granted exorbitant amount of compensation.

9. In view of the same and considering the compensation

granted by the learned Reference Court, the applicants are permitted to withdraw 50% of the deposited amount of compensation 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 amount be kept in F.D.R. in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

11. The civil application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE