

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

914 CIVIL APPLICATION NO.13305 OF 2023
IN FAST/13187/2022
WITH CA/8552/2022 IN FAST/13187/2022
WITH CA/8553/2022 IN FAST/13187/2022

MAHADEV BALIRAM TALKE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
COLLECTOR, OSMANABAD AND ORS

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Advocate for Applicant : Mr.M.K.Jadhav h/f. More Abhijit S.
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.2 : Mr.M.S.Kulkarni

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CORAM : ARUN R. PEDNEKER, J.
DATE : 02.11.2023

P.C. :

A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL

1] The present civil application is filed for
withdrawal of the amount deposited by the acquiring body
in this Court.

2] The First Appeal is filed by the Acquiring Body.
The acquiring body has deposited entire award amount as
directed by the Tribunal.

3] Heard the learned counsel for the parties.

4] The present applicant is permitted to withdraw 70% of the entire amount of compensation as directed by the Reference Court along with interest accrued thereon till date subject to the condition that the applicant to give usual undertaking to the satisfaction of the Registrar [Judicial] of this Court also the undertaking to include clause as directed by the Reference Court, mentioned in para no.15 of the judgment of the Reference Court. Civil Application is disposed of accordingly.

B] ORDER IN CIVIL APPLICATION FOR DELAY

1] The present Civil Application is filed to condone the delay of 1047 days in filing the First Appeal.

2] For the reasons stated in the Civil Application, the same is allowed. Delay is condoned. Appeal be registered. Civil Application is disposed of accordingly.

C] ORDER IN CIVIL APPLICATION FOR STAY

The applicant – acquiring body has deposited entire award amount in this Court. The interim stay granted by this Court stands confirmed. Civil Application is disposed of accordingly.

D] ORDER IN FIRST APPEAL

1] First Appeal is admitted. On admission, the learned AGP waives notice for respondent nos.2 and 3. Mr.A.S.More, learned counsel waives notice for respondent no.1.

2] Call R. & P.

[ARUN R. PEDNEKER]
JUDGE

DDC