

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

908 CIVIL APPLICATION NO.7237 OF 2023
IN FA/2310/2019 WITH CA/7255/2023 IN FA/2309/2019 WITH
CA/7254/2023 IN FA/2308/2019 WITH CA/7238/2023 IN
FA/2310/2019 WITH CA/8223/2018 IN FA/2310/2019

MALLIKRJUN APPANNA MANALE (DIED) THR LRS. SHANTABAI
MALLIKARJUN MANALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

Advocate for Applicants : Mr. Patil Laxmikant C.
AGP for Respondent/s – State : Mr. S. P. Tiwari
Advocate for Respondent No.3 : Mr. Sujeet G. Karlekar
and Mr. Avishkar S. Shelke

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 23.06.2023

PER COURT :

A) ORDER IN CIVIL APPLICATION NO. 7238 OF 2023

1. Heard rival submissions.
2. The applicants are seeking permission to bring legal representatives of respondent Nos.1 Mallikarjun Appanna Manale and respondent No. 4 – Tanabai @ Champabai Chanbasappa Manale who respectively died on 24.05.2017 and 19.05.2019 by condoning the respective delay periods of 2068 and 1343 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. Application is accordingly disposed of.

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B) ORDER IN CIVIL APPLICATION NOS. 7237/2023, 7255/2023 AND 7254/2023 :

1. Heard rival submissions.
2. The respective applicants are seeking withdrawal of their amounts of compensation, which have been deposited by the acquiring body along with the interest accrued thereon in all these applications.
3. This Court vide order dated 12.04.2023 in other connected matters has permitted the applicants therein to withdraw only 75 % of the deposited amounts. In view of the same the applicants herein are permitted to withdraw the 75% of the total compensation amounts along with the proportionate interest accrued thereon till date i.e. 50% on usual undertaking and 25 % on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this court and remaining 25% amount shall be invested in F.D.R. in any Nationalized Bank on yearly renewal basis till final of these appeals.
4. The civil applications are accordingly disposed of.

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C) ORDER IN CIVIL APPLICATION NO. 8223/2018

. Since the appellant – acquiring body has deposited amount of compensation as directed by this Court, the application is made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-