

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

919 CIVIL APPLICATION NO.7074 OF 2023
IN FAST/12445/2021 WITH CA/6002/2021 IN FAST/12169/2021 WITH
CA/6004/2021 IN FAST/12169/2021 WITH CA/6005/2021 IN
FAST/12445/2021 WITH CA/6006/2021 IN FAST/12445/2021 WITH
CA/7073/2023 IN FAST/12169/2021

SHARADKUMAR MADHUSUDAN PATIL (DIED) THR LRS. CHHAYA
SHARADKUMAR PATIL AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER, SEENA KOLEGAON PRO. PARANDA,
OSMANABAD AND OTHERS

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Advocate for Applicants : Mr. Prasanna Shankarrao Chavan

AGP for Respondent/s – State : Mr. B. V. Virdhe

Advocate for Respondent No.1 : Mr. Rahul A. Tambe

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 23.06.2023

PER COURT :

A) ORDER IN CIVIL APPLICATION NOS. 7074/2023 AND 7073/2023 :

1. Heard rival submissions.
2. The respective applicants are seeking withdrawal of their amounts of compensation, which have been deposited by the acquiring body alongwith the interest accrued thereon. It appears that the acquiring body in all these matters has deposited only 50% of the total compensation amounts. However the learned counsel for the respective applicants raised objection that the acquiring body has not deposited the 50% amount, but deposited less amount than that. However, by keep in open the aspect of calculations in respect of 50% amounts of compensation in all these matters, the applications

can be decided in respect of whatever amounts are deposited.

2. This Court vide order dated 04.10.2022 in other connected matters has permitted the applicants therein to withdraw the entire deposited amounts which according to the acquiring body were 50% of the total compensation amounts. In view of the same the applicants herein are permitted to withdraw the entire deposited amounts along with the interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

3. The civil applications are accordingly disposed of.

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B) ORDER IN CIVIL APPLICATION NOS. 6002/2021 AND 6005/2021

1. Heard rival submissions.

2. The appellant – Acquiring Body in both these applications is seeking condonation of delay of 246 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 246 days stands condoned.

2. The appeals be placed for admission after removal of office objections, if any.

3. Applications are accordingly disposed of.

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C) ORDER IN CIVIL APPLICATION NOS. 6004/2021 AND 6006/2021

Since the appellant -acquiring body has deposited the amount as directed by the Court, the quantum of which is disputed by the

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learned counsel for the claimants, the applications are made absolute in terms of prayer clause-'B' and disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-