

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

939 CIVIL APPLICATION NO.4078 OF 2023
IN FAST/13964/2018 WITH CA/4081/2023 IN
FAST/14377/2018 WITH CA/4082/2023 IN FAST/14385/2018
WITH CA/4079/2023 IN FAST/13964/2018 WITH
CA/7852/2018 IN FAST/13964/2018 WITH CA/7853/2018 IN
FAST/13964/2018 WITH CA/7854/2018 IN FAST/14368/2018
WITH CA/7855/2018 IN FAST/14368/2018 WITH
CA/7858/2018 IN FAST/14377/2018 WITH CA/7859/2018 IN
FAST/14377/2018 WITH CA/7856/2018 IN FAST/14385/2018
WITH CA/7857/2018 IN FAST/14385/2018

SUBHASH VISHWANATH BARBADE DIED THROUGH LRS
VIJAYA SUBHASH BARBADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

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Mr. Laxmikant C. Patil, Advocate for the applicants.

Mr. B.V. Virdhe, A.G.P. for respondent Nos.1 and 2.

Mr. A.S. Shelke, Advocate for respondent No.3.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 30th March 2023.

ORDER:-

IN CIVIL APPLICATION NO. 4079 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 Subhash Vishwanath Barbade i.e. sole respondent, who admittedly died on 14.06.2021, by condoning the delay of 270 days.

3. There is no strong objection from other side and considering the right to defend, the application stands allowed in terms of prayer clauses-B and C.

4. The appellant - Acquiring Body is directed to carry out the amendment forthwith.

5. Application is accordingly disposed of.

IN THE APPLICATIONS FOR WITHDRAWAL OF AMOUNT :

1. Heard rival submissions.

2. The respective applicants are seeking withdrawal of their respective amounts of compensation which have been deposited by Acquiring Body in this Court alongwith the interest.

3. This Court in other connected matter has already granted withdrawal of 75 % of the deposited amounts to the applicants therein. In view of the same, the applicants herein are permitted to withdraw 75% of the deposited amounts alongwith 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

4 The remaining amounts be invested in FDR on yearly renewal basis in any Nationalized Bank, till final disposal of these appeals.

5. The civil applications are accordingly disposed of.

IN THE APPLICATIONS FOR CONDONATION OF DELAY :

1. The appellant – Acquiring Body in all these applications is seeking condonation of delay of 1137 days, which appears to be cause due to obtaining sanctions at various stages. There is no strong objection from other side and therefore the delay of 1137 days stands condoned.
2. The appeals be placed for admission after removal of office objections, if any.
3. Applications are accordingly disposed of.

IN THE APPLICATIONS FOR STAY :

Since the appellant Acquiring Body has deposited the entire amounts of compensation as directed by this Court in all these matters, the applications are made absolute in terms of prayer clause (B) and disposed of.

(SANDIPKUMAR C. MORE, J.)