

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

985 CIVIL APPLICATION NO.7793 OF 2023
IN FAST/4301/2020 WITH CA/7931/2021 IN FAST/4301/2020 WITH
CA/7932/2021 IN FAST/4301/2020 WITH CA/7935/2021 IN
FAST/4472/2020 WITH CA/7936/2021 IN FAST/4472/2020 WITH
CA/7933/2021 IN FAST/4475/2020 WITH CA/7934/2021 IN
FAST/4475/2020 WITH CA/7792/2023 IN FAST/4472/2020

SATISH UDDHAVRAO LOMATE
VERSUS
THE EXE. ENGINEER MINOR IRRIGATION DIV, OSMANABAD AND ANR

...

Advocate for Applicant : Mr. Bhise Raghvendra Diliprao
AGP for Respondents: Mr. S.S. Dande,
Advocate for respondent No.3 : Mr. Jeevan R. Patil h/f.
Mr. Gulab B. Rajale.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 18TH AUGUST, 2023

ORDER :-

IN APPLICATIONS FOR WITHDRAWAL :
C.A. NOS. 7792 AND 7793 OF 2023

By this application, the applicants seek permission to withdraw the amount deposited by the Acquiring Body in terms of the award passed by the Reference Court.

2. Learned counsel for the applicants submits that the Reference Court, after due consideration of the comparative sale instances and other material passed the award for enhanced compensation. The applicants are litigating for just compensation of their acquired land for more than 20 years.

3. Learned counsel for the Acquiring Body opposes the prayer stating that there are good grounds in appeal.

4. Considering considered the submissions advanced and after going through the reasons stated in the impugned judgment, a case is made out to permit partial withdrawal. Hence, the following order :-

-: O R D E R :-

[i] The application is partly allowed.

[ii] The applicants are permitted to withdraw 50% of compensation deposited by the Acquiring Body alongwith interest accrued thereon subject to furnishing the usual undertaking to the satisfactions of the Registrar (Judicial) of this court.

[iii] The applicants are further permitted to withdraw 25% of the amount subject to furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this court.

Civil applications are disposed of.

IN C.A. FOR DELAY :-
C.A. NO.7931, 7933 & 7935/2023

By this application, the applicant is seeking to condone the delay of 2285 days caused in filing the appeal.

2. The learned advocate for the applicant submits that the delay has been occasioned on account of administrative and procedural reasons. The applicant has not derived any benefit by causing the delay. He invited the attention of this court to the reasons stated in para.2 to 5 of the application .

3. The learned counsel for the respondent opposes the prayer stating that the delay is inordinate.

4. Having considered the reasons stated in the application, the application deserves to be allowed. Delay of 2285 days caused in filing the appeal is condoned. Appeal be registered subject to removal of office objections.

5. Civil applications are disposed of.

IN STAY APPLICATION

C.A. 7932, 7934 AND 7936/2023:-

Mr. Jeevan Patil h/f. Mr. Rajale, learned advocate for the appellant submits that the entire amount as per the award passed by the Reference Court has been deposited with the Registry of this Court. In that view of the matter, civil applications are allowed in terms of prayer clause (B) and stand disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-