

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

957 CIVIL APPLICATION NO.8057 OF 2023
IN FAST/14302/2022 WITH CA/11118/2022 IN FAST/14302/2022
WITH CA/11119/2022 IN FAST/14302/2022 WITH CA/8058/2023 IN
FAST/14302/2022

LAXMAN MASU TAYADE (DIED) THR LRS. BABAN LAXMAN TAYADE
AND ANR
VERSUS
THE STATE OF MAHARASHTRA THROUGH S.L.A.O.,AURANGABAD AND
ANR

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Advocate for Applicants : Ms. L.R. Thakur h/f. Mr. Laxmikant C. Patil
AGP for Respondents: Mr. S.S. Dande.
Advocate for Respondent No.2: Mr. S.G. Bhalerao.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 18TH AUGUST, 2023

ORDER :-

**IN C.A. FOR CONDONATION OF DELAY
i.e. 11118 OF 2022:-**

By this application, the applicant Acquiring Body is seeking to condone the delay of 1502 days caused in filing the appeal against the award passed by the Reference Court.

2. Mr. Bhalerao learned counsel submits that the delay has been caused on account of time consumed in compliance of procedural and administrative formalities. He submits that the Acquiring Body has not derived any benefit by making the delay. He has further invited attention of this court to para. Nos. 2 to 4 of the application to support

his contention.

3. Apparently, the delay in filing the appeal is procedural and the applicants have not derived any benefit due to the said delay. In that view of the matter, the application deserves to be allowed.

4. Hence, the following order :-

[a] The civil applications are allowed. Delay of 1502 days caused in filing the appeal is condoned subject to removal of office objections if any. Appeals be registered.

[b] Applications are disposed of.

**IN STAY APPLICATION :-
CA 11119 OF 2022**

Mr. Bhalerao, 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. The statement is not controverted.

In that view of the matter, civil application is allowed in terms of prayer clause (B) and stand disposed of.

IN CA NO. 8057 OF 2023

The learned counsel for the applicant, relying upon the order passed by this Court in C.A. No. 7673 of 2021 in F. A. Stamp No. 14224 of 2022 submits that similar order may be passed in the present case, which is arising out of the same acquisition.

2. Having considering the Considerings the submissions advanced, the applicants are permitted to withdraw 75% of the amount deposited in this court alongwith interest accrued thereon, with usual undertaking to be furnished with the Registrar (Judicial) of this Court. Balance amount be kept in Fixed Deposit in a Nationalized Bank initially for a period of two years with renewal clause.
3. Civil application is disposed of.

IN APPLICATION FOR LRS CA 8058 OF 2023

By this application, the applicants are seeking permission to bring on record the LRs of deceased appellant Janardan Laxman Tayade, who expired on 17/11/2020.

The learned counsel for the Acquiring Body has no objection to allow the application.

In that view of the matter, the application is allowed in terms of prayer clause (B) and (C). Amendment be carried out within 14 days.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-