

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 CIVIL APPLICATION NO.6363 OF 2023
IN FA/3474/2022 WITH CA/2951/2021 IN FA/3474/2022 WITH CA/2943/2021 IN
FA/3476/2022 WITH CA/2945/2021 IN FA/3475/2022 WITH CA/2947/2021 IN
FA/3477/2022 WITH CA/2949/2021 IN FA/3478/2022 WITH CA/2941/2021 IN
FA/3479/2022 WITH CA/6352/2023 IN FA/3479/2022 WITH CA/6361/2023 IN
FA/3476/2022 WITH CA/6366/2023 IN FA/3478/2022 WITH CA/6356/2023 IN
FA/3475/2022 WITH CA/6359/2023 IN FA/3475/2022

BHAURAO SARJERAO TITAVE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR, OSMANABAD AND ORS

...
Advocate for Applicant : Mr. M. K. Jadhav h/f More Abhijit S.
AGP for Respondents-State : Mr. K. B. Jadhavar
Advocate for Respondent No.3 : Mr. A. S. Shelke
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CORAM : ARUN R. PEDNEKER, J.
DATE : 26/09/2023

PER COURT :

Heard the learned Advocates representing the respective parties.
The present first appeals are filed by the acquiring body against the
order of the Reference Court. The appellants has deposited 50% of
the amount of compensation as per directions of this Court vide order
dated 22/03/2022.

APPLICATIONS FOR LEGAL HEIRS

2. The CA/6359/2023 is filed to bring on record legal heirs of
deceased original claimant. For the reasons stated in the application,
said applications is allowed and disposed of. The appellant to carry out
necessary amendment within a period of one week.

APPLICATIONS FOR WITHDRAWAL OF AMOUNT :

3. CA/6363/2023, CA/6356/2023, CA/6361/2023, CA/6366/2023 and CA/6352/2023 are filed for withdrawal of amount. The learned Advocate for the applicants submits that in the identical facts situation in matters arising out of the same project, this Court by order dated 11/08/2023, in the CA/7259/2023 in FAST/22325/2020, along with other connected matters, has permitted the applicants to withdraw total 50 % of compensation amount along with interest accrued thereon till date.

4. In view of the above, the applicants are permitted to withdraw the entire 50% of the compensation amount, deposited in this Court along with interest accrued thereon, on usual undertaking to the satisfaction of the Registrar Judicial of this Court. The applications are disposed of.

STAY APPLICATIONS :

5. CA/2951/2021, CA/2945/2021, CA/2943/2021, CA/2947/2021, CA/2949/2021 and CA/2941/2021 are filed for Stay. The Stay has been granted to the Reference Court award subject to deposit of 50% of total amount of compensation with interest as determined by the Reference Court. The acquiring body has deposited amounts of

compensation as directed along with interest accrued thereon in this Court.

6. In view of the same, the Stay order passed by this Court dated 22/03/2022, in all the applications, is confirmed. Applications are disposed of.

7. All appeals are **Admitted** subject to removal of office objections and necessary amendment within a period of two weeks.

8. After admission, the learned AGP waives service of notice on behalf of respondents-State.

9. Call for record and proceedings.

(ARUN R. PEDNEKER, J.)

vj gawade/-.