

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

935 CIVIL APPLICATION NO.3223 OF 2019
IN FAST/16023/2016 WITH CA/7266/2016 IN
FAST/16023/2016 WITH CA/7267/2016 IN FAST/16023/2016

PANDURANG APPA ANKUSHRAO DIED HIS LRS RUKMIN
(DIED) THROUGH LRS MAINABAI AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION,
OSMANABAD AND OTHERS

...
Mr. Kishor Ghute Patil, Advocate for the applicants.
Mr. G.B. Rajale, Advocate for respondent No.1
...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 30th March 2023.

ORDER:-

IN CIVIL APPLICATION NO. 3223 OF 2019 :

1. Leave is granted to add name of legal representatives of deceased applicant No.2 Kisan Appa Ankushrao as added in the main appeal, forthwith.

2. Heard rival submissions. The applicants are seeking permission to withdraw the entire amount of compensation alongwith the interest which has been deposited by the appellant Acquiring Body in the learned Reference Court.

3. However, this Court in other connected matters has permitted withdrawal of 75% of the amounts of compensation. In view of the same, the applicants herein are permitted to withdraw 75% of the deposited amount of compensation

alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the learned Reference Court.

4. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

IN CIVIL APPLICATION NO. 7266 OF 2016 :

1. The appellant – Acquiring Body is seeking condonation of delay of 526 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 526 days stands condoned.

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

3. Application is accordingly disposed of.

IN CIVIL APPLICATION NO. 7267 OF 2016 :

. Since the acquiring Body has deposited entire amount of compensation alongwith the interest, the application is made absolute in terms of prayer clause (B) and disposed of.

(SANDIPKUMAR C. MORE, J.)