

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

942 CIVIL APPLICATION NO.7797 OF 2023
IN FAST/24495/2020
WITH CA/7796/2023 IN FAST/24495/2020
WITH CA/7085/2021 IN FAST/24495/2020
WITH CA/7086/2021 IN FAST/24495/2020

DNYANDEO NARAYAN SHELKE SINCE DECEASED THR
LRS ANKUSHDNYANDEO SHELKE AND ORS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR, OSMANABAD

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Advocate for Applicant : Mr.M.K.Jadhav h/f. Mr.A.S.More
AGP for Respondent-State : Mr.K.N.Lokhande
Advocate for Respondent no.2 : Mr.J.R.Patil h/f.
Mr.G.B.Rajale

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CORAM : ARUN R. PEDNEKER, J.
DATE : 20.10.2023

P.C. :

A] ORDER IN CIVIL APPLICATION FOR LEGAL
HEIRS :

1] The present Civil Application is filed to bring on
record the legal heirs of the deceased Dnyandeo Narayan
Shelke by condoning delay of 342 days in filing the present
Civil Application.

2] For the reasons stated in the Civil Application, the same is allowed. Delay is condoned. Civil Application is disposed of accordingly. The appellant to carry out the amendment within one week.

B] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL OF AMOUNT

1] The present Civil Application is filed for withdrawal of the amount.

2] The learned counsel for the applicant has produced the order dated 07.07.2023 passed in Civil Application No.8225 of 2023 in First Appeal ST. No.14493 of 2020 along with connected matters wherein this Court has permitted to withdraw 90% of the amount out of 60% deposited of total compensation amount along with interest accrued thereon.

3] In view of the same, the present applicants are permitted to withdraw 90% of the amount, out of 60% of the amount deposited in this Court along with interest accrued thereon till date, on usual undertaking to the satisfaction of the Registrar [Judicial] of this Court. Civil Application is disposed of accordingly. The remaining balance amount of compensation be kept in fixed deposit in any Nationalized Bank.

C] ORDER IN CIVIL APPLICATIONS FOR DELAY

1] The present Civil Application is filed to condone the delay of 1086 days in filing the Appeals.

2] For the reasons stated in the Civil Application, the same is allowed. Delay is condoned. Civil Application is disposed of accordingly.

D] ORDER IN CIVIL APPLICATION FOR STAY

Since the applicant – acquiring body has deposited entire award amount in this Court, the interim stay granted by this Court stands confirmed. Civil Applications are disposed of accordingly.

E] ORDER IN FIRST APPEAL

1] First Appeal is **admitted**.

2] On admission, Mr.A.S.More, learned counsel waives notice for respondent .

3] Call R. & P.

[ARUN R. PEDNEKER]
JUDGE