

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

15 CIVIL APPLICATION NO.8320 OF 2023
IN FAST/15432/2020 WITH CA/3846/2021 IN FAST/14580/2020 WITH
CA/3847/2021 IN FAST/14580/2020 WITH CA/3848/2021 IN
FAST/15432/2020 WITH CA/3849/2021 IN FAST/15432/2020 WITH
CA/3843/2021 IN FAST/15522/2020 WITH CA/3844/2021 IN
FAST/15522/2020 WITH CA/3850/2021 IN FAST/15540/2020 WITH
CA/3851/2021 IN FAST/15540/2020

PANDHARINATH BABURAO SARGE (DIED) THR LRS SITABAI
PANDHARINATH SARGE AND ORS
VERSUS
THE STATE OF MAHARASHTRA, THR THE COLLECTOR , LATUR AND
ANR

...

Advocate for Applicants : Mr. Gajanan K. Sontakke
Adv. for Respondent No.2: Mr. S.G. Bhalerao.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 10TH JULY, 2023

ORDER :-

IN APPLICATION FOR BRINGING LRS OF DECEASED :-

By this application, the respondents in F.A. Stamp No. 15432/2020/original claimants are praying to permit them to be impleaded as LR's of deceased respondent Pandharinath Bapurao Sarge who died on 22.11.2019 i.e. after passing of the award by the Reference Court.

Mr. Bhalerao, learned counsel for the Acquiring body and learned APP for the State have no objection to consider the application.

In that view of the matter, the application is allowed in terms of prayer clauses (B) and (C). Amendment to be carried out within two weeks.

IN APPLICATION FOR CONDONATION OF DELAY :-

By this application, the applicants are praying to condone the delay caused in filing the appeal. Having considered the reasons stated in the application, and submissions advanced, sufficient cause is made out to condone the delay. The application is allowed. Delay is condoned. Appeal be registered.

IN APPLICATION FOR STAY :-

Mr. Bhalerao, learned counsel for the applicants submits that 50% of the entire amount as directed by this court while granting stay has been deposited and the condition has been complied with.

The learned advocate for the respondents/claimants do not dispute this position.

In view of submissions, the Civil applications are allowed in terms of prayer clause (B).

IN APPLICATION FOR WITHDRAWAL :-

1. Heard.
2. The respective applicants are seeking withdrawal of the amount of compensation deposited by the appellant - acquiring body alongwith interest accrued thereon. It appears that in these matters, the acquiring body has deposited only 50% of the amount of compensation.

3. The learned counsel for the acquiring body though opposed the applications on the ground that the reference court has granted exorbitant amount of compensation, which is almost six times of the amounts granted by the SLAO, but fairly submits that in other matters this court has allowed the applications therein to withdraw 50% of the amounts of compensation.

4. In view of the above, the present applicants are permitted to withdraw 50% of the compensation amounts that means entire deposited amounts alongwith interest accrued thereon till date, on usual undertaking to be furnished to the satisfaction of the Registrar (Judicial) of this court.

5. Civil application is accordingly disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-