

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

962 CIVIL APPLICATION NO.5191 OF 2023
IN FAST/16375/2020 WITH CA/5192/2023 IN FAST/16375/2020
WITH CA/3211/2021 IN FAST/16375/2020 WITH CA/3212/2021
IN FAST/16375/2020

DINANATH BHANUDAS KAWADE (DIED) THR LRS. SHIVAJI
DINNATH KAWADE AND ORS
VERSUS
THE G.M.I.D.C., THR ITS EX. ENGINEER, IRRIGATION
DIV.OSMANABAD AND ORS

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Advocate for Applicants : Mr. V. V. Ingale
AGP for Respondent Nos.2 & 3: Mr. S. W. Mundhe
Advocate for Respondent No.1 : Mr. R. B. Gaikwad

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 18/04/2023.

P. C. :

A) ORDER IN CIVIL APPLICATION NO.5192 OF 2023 :

1. Heard rival submissions.
2. The applicants are seeking permission to bring themselves on record in the appeal being the legal representatives of sole respondent- claimant- Dinanath Bhanudas Kawade, who admittedly died on 28/12/2017, by condoning the delay of 1812 days.
3. There is no strong objection from other side and considering the right to defend, the application stands allowed in terms of prayer clause-A and B.
4. The appellant - acquiring body is directed to carry out the amendment forthwith.
5. Application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.5191 OF 2023:

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the acquiring body alongwith the interest accrued thereon.
3. The learned counsel for the acquiring body opposed the application on the ground that the reference court has granted exorbitant amount of compensation, which is beyond four times of the amount granted by SLAO.
4. However, considering the enhancement granted by the learned reference court, which is more than four times, the applicants 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 Registrar (Judicial) of this court.
5. 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.

C) ORDER IN CIVIL APPLICATION NO.3212 OF 2021 :

Since the acquiring body has deposited entire amount of compensation alongwith interest, the application is made absolute in terms of prayer clause-A and disposed of.

D) ORDER IN CIVIL APPLICATION NO.3211 OF 2021 :

1. The appellant – acquiring body in this application is seeking condonation of delay of 2295 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 2295 days stands condoned.

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

3. Application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)