

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

957 CIVIL APPLICATION NO.8418 OF 2023
IN FA/2412/2021 WITH CA/9647/2021 IN FA/2408/2021 WITH
CA/9657/2021 IN FA/2413/2021 WITH CA/9655/2021 IN
FA/2412/2021 WITH CA/9649/2021 IN FA/2409/2021 WITH CA/
9659/2021 IN FA/2414/2021 WITH CA/9651/2021 IN
FA/2410/2021 WITH CA/8422/2023 IN FA/2413/2021 WITH
CA/8421/2023 IN FA/2414/2021 WITH CA/8428/2023 IN
FA/2409/2021 WITH CA/8426/2023 IN FA/2408/2021 WITH CA/
8424/2023 IN FA/2410/2021 WITH CA/8419/2023 IN
FA/2412/2021 WITH CA/8420/2023 IN FA/2414/2021

RAGHUNATH BALIRAM PATIL (DIED) THR LRS. BANDU
RAGHUNATH PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ORS

...

Advocate for Applicants : Mr. L. C. Patil
AGP for Respondent Nos.1 & 2: Mr. S. N. Kendre
Advocate for Respondent No.3 : Mr. R. A. Tambe

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 12/07/2023.**

P. C. :

A) ORDER IN C.A. NO.8419 OF 2023 :

1. Heard rival submissions.
2. The applicant is seeking permission to bring himself on record in the appeal being the legal representatives of sole respondent-claimant- Raghunath Baliram Patil, who admittedly died on 27/09/2014, by condoning the delay of 3084 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-B and C.

4. The appellant - acquiring body is directed to carry out the amendment forthwith.
5. Application is accordingly disposed of.

B) ORDER IN C.A. NO.8420 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- Vithoba @ Vithal Bapu @ Bapurao Sontakke, who admittedly died on 05/06/2015, by condoning the delay of 2833 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-B and C to the extent of applicant Nos.2 & 3 only.
4. The appellant - acquiring body is directed to carry out the amendment forthwith. Application is accordingly disposed of.

C) ORDER IN CIVIL APPLICATIONS FOR WITHDRAWAL :

1. Heard rival submissions.
2. The respective applicants are seeking withdrawal of the entire amounts of compensation, which have been deposited by the acquiring body alongwith the interest accrued thereon. It appears that the appellant acquiring body has deposited only 75% of the total compensation amounts.
3. Vide order dated 14/09/2021, this court in other connected matters, has already permitted the applicants therein to withdraw 75% of the total compensation amounts. In view of the same, the present applicants are permitted to withdraw the entire deposited

amounts of compensation which are 75% of the total compensation amounts, i.e. 50% on usual undertaking and 25% on furnishing solvent security / surety alongwith the accrued interest thereon to the satisfaction of the Registrar (Judicial) of this court.

6. The civil applications are accordingly disposed of.

D) ORDER IN CIVIL APPLICATIONS FOR STAY :

Since the appellant – acquiring body has deposited entire amounts of compensation as directed by this court in all these applications, the same are made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)