

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

947 CIVIL APPLICATION NO.8375 OF 2023
IN FAST/16364/2021 WITH CA/2029/2022 IN FAST/16364/2021
WITH CA/2115/2022 IN FAST/16364/2021

VENUBAI DNYANOBA KADAM (DIED) THR LRS. RAMHARI
DNYANOBA KADAM AND ORS
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV., SINCHAN
BHAVAN, OSMANABAD AND ORS

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Advocate for Applicants : Mr. P. B. Rakhunde
AGP for Respondent Nos.2 & 3: Mr. S.N. Kendre
Advocate for Respondent No.1 : Mr. R.B. Deshpande

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

P. C. :

A) ORDER IN C.A. NO.8375 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. It appears that the acquiring body has deposited only 75% of the total compensation amount.
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 nearly 10 times as that of SLAO.
4. In view of the same and considering the enhancement granted by the learned reference court, which is nearly 10 times,

the applicants are permitted to withdraw 50% of the total compensation amounts 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.

B) ORDER IN C.A. NO.2029 OF 2022 :

1. The appellant – acquiring body is seeking condonation of delay of 1887 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 1887 days stands condoned.

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

3. Application is accordingly disposed of.

C) ORDER IN C.A. NO.2115 OF 2022 :

Since the appellant – acquiring body has deposited amount of compensation as directed by this court, the application is made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)