

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

923 CIVIL APPLICATION NO.2794 OF 2023
IN FA/1551/2021 WITH CA/2793/2023 IN FA/1563/2021 WITH
CA/2792/2023 IN FA/1550/2021 WITH CA/8377/2021 IN
FA/1551/2021 WITH CA/8398/2021 IN FA/1563/2021 WITH
CA/8375/2021 IN FA/1550/2021

GOVINDRAO GANPATRAO KALOJI (PATIL) (DIED) THR LRS.
GANESH GOVINDRAO PATIL AND ORS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
LATURAND ANR

...
Advocate for Applicants : Mr. L. C. Patil
AGP for Respondent No.1: Mr. B. V. Virdhe
Advocate for Respondent No.2 : Mr. B. R. Surwase

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 02/03/2023.

P. C. :

A) ORDER IN CIVIL APPLICATION NO.2794 OF 2023 :

1. Leave to correct name of respondent No.2.
2. Heard rival submissions.
3. The applicants are seeking permission to bring themselves on record in the appeal being the legal representatives of sole respondent- claimant – Govindrao Ganpatrao Kaloji (Patil), who admittedly died on 30/05/2015, by condoning the delay of 2737 days.
4. There is no strong objection from other side and considering the right to defend, the application stands allowed in terms of prayer clause-B & C.
4. The appellant - acquiring body is directed to carry out the amendment forthwith. Application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NOS.2793 OF 2023 AND 2792 OF 2023 :

1. Leave to correct the name of respondent No.2.
2. Heard rival submissions .
3. The applicants are seeking withdrawal of their entire respective amounts of compensation in these applications, which have been deposited by the acquiring body alongwith the interest accrued thereon.
4. This court vide order dated 05/08/2022 in other connected matters, has already permitted the applicants therein to withdraw 75% of the deposited amounts. As such, these applicants in their respective applications, are permitted to withdraw 50% of the deposited amounts alongwith the proportionate interest accrued thereon on usual undertaking to the satisfaction of the Registrar (Judicial) of this court. They are further permitted to withdraw their respective 25% of the deposited amounts alongwith with proportionate interest accrued thereon, on furnishing solvent surety / security.
5. The remaining 25% amount be invested in FDR in any nationalized bank on yearly renewal basis, till final disposal of the appeals.
6. The civil applications are accordingly disposed of.

C) ORDER IN CIVIL APPLICATION NOS.8377 OF 2021, 8398 OF 2021 AND 8375 OF 2021 :

Since the acquiring body has deposited entire amounts of compensation alongwith the interest in these applications, the same are made absolute in terms of prayer clause-B and disposed of.

(SANDIPKUMAR C. MORE, J.)