

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO. 12792 OF 2016
IN FIRST APPEAL NO. 659 OF 2009
WITH CA/3518/2012 IN X-OBJST/3925/2012
WITH CA/13473/2009 IN FA/659/2009

SAHEBRAO ANNA JAGTAP DIED THR ITS LRS RADHAKISAN
AND OTHERS
VERSUS
THE CIDCO MAHARASHTRA AURANGABAD THR ITS
ADMINISTRATOR AND OTHERS

...
Mr. D.R. Jayabhar – Advocate for Applicants
Mr. A.B. Chate – Advocate for Respondent No.2, State
Mr. A.S. Bajaj – Advocate for Respondent No.1
Mr. N.S. Choudhary – Advocate for Respondent No.3
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 30th June, 2023

PER COURT :

CIVIL APPLICATION NO. 12792 OF 2016

1. Heard rival submissions.
2. The applicants are seeking permission to withdraw the 25% amount of compensation by furnishing solvent surety/security instead of bank guarantee as directed under the order dated 26th August, 2011 of this Court. However, subsequent orders in other connected matters such as order

dated 18th January, 2016 indicates that, this Court had given permission to the applicants therein to withdraw 25% compensation amount by furnishing security/surety instead of bank guarantee.

3. In view of the same, the applicants herein are also permitted to withdraw the 25% compensation amount on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court instead of bank guarantee as directed in the order dated 26th August, 2011.

4. The remaining amount is continued to be deposited in F.D.R. in any nationalized bank on yearly renewal basis till disposal of this appeal.

5. The Civil Application is disposed of.

CIVIL APPLICATION NO. 3518 OF 2012

6. Heard rival submissions.

7. The applicants – claimants are seeking condonation of delay of 1013 days in filing Cross – Objection, which appears to be caused due to their poor financial condition.

8. The learned Counsel for the appellant – acquiring body strongly opposed the application on the ground that, no

reasonable cause is mentioned for condoning the delay and the interest for such delay period must be stopped.

9. However, considering the statutory right of the applicants and for the reasons stated in the application, the application is allowed and the delay of 1013 days stands condoned subject to condition that, the applicants shall not claim any interest for the period of aforesaid period of delay on the enhanced compensation, if granted.

10. The Cross – objection be placed for admission after removal of office objections, if any.

11. The application is accordingly disposed of.

CIVIL APPLICATION NO. 13473 OF 2009

12. Since the appellant – acquiring body has deposited the amount of compensation as directed by this Court, this application for directing to deposit the amount has become infructuous and accordingly disposed of.

**[SANDIPKUMAR C. MORE]
JUDGE**