

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

914 CIVIL APPLICATION NO.6997 OF 2023
IN FAST/21718/2019 WITH CA/4278/2020 IN FAST/21718/2019
WITH CA/4279/2020 IN FAST/21718/2019 WITH CA/4276/2020 IN
FAST/21726/2019 WITH CA/4277/2020 IN FAST/21726/2019

BHAGWAN VISHWANATH DONGARE DIED THR LRS MADHAV @
RAJKUMAR B DONGARE

VERSUS

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT, NOW
LATUR MID UNDER GMIDC AURANGABAD AND ANOTHER

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Mr. Krishna Rodge, Advocate for the applicants.

Mr. B.R. Surwase, Advocate for respondent No.1.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 20th June 2023.

ORDER:-

IN CIVIL APPLICATION NO. 6997 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 Bhagwan Vishwanath Dongare , who admittedly died on 06.02.2023. The application is within the prescribed period of limitation. Further, it appears that there was already an order of withdrawal by this Court in Civil Application No.4717 of 2921 dated 26th July 2021 in favour of aforesaid deceased Bhagwan. But due to death the amount could not be withdrawn. The learned Counsel for the Acquiring Body also confirmed the said position. As such the application stands allowed in terms of prayer clause (B). The appellant Acquiring Body is directed to carry out the amendment forthwith and

thereafter the applicant is permitted to withdraw the entire amount of compensation alongwith accrued interest thereon till date, on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court.

3. Application is accordingly disposed of.

IN CIVIL APPLICATION NOS. 4278/2020 & 4276/2020 :

1. The appellant – Acquiring Body in both these applications is seeking condonation of delay of 2959 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 2959 days stands condoned.

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

3. Applications are accordingly disposed of.

IN CIVIL APPLICATION NOS.4279/2020 & 4277/2020 :

. Since appellant Acquiring Body has deposited the entire amounts of compensation in both these matters alongwith the interest, the applications are made absolute in terms of prayer clause (B) and disposed of.

(SANDIPKUMAR C. MORE, J.)