

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

922 CIVIL APPLICATION NO.9863 OF 2023
IN FAST/26717/2021 WITH CA/9862/2023 IN FAST/26869/2021
WITH CA/4057/2022 IN FAST/26717/2021 WITH CA/4058/2022
IN FAST/26717/2021 WITH CA/4060/2022 IN FAST/26869/2021
WITH CA/4061/2022 IN FAST/26869/2021 WITH CA/6166/2023
IN FAST/26717/2021

SUBRAO SOPAN DHEPE (DIED) THR LRS. SINDHUBAI SUBRAO
DHEPE AND ORS
VERSUS
THE EXE. ENGINEER, MINOR IRRIGATION DIV., OSMANABAD
AND ORS

...

Advocate for Applicants : Mr. G. J. Kore
AGP for Respondent Nos.2 & 3: Mr. S. P. Tiwari
Advocate for Respondent No.1 : Mr. M. C. Swami

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 11/08/2023.**

P. C. :

A) ORDER IN C.A. NO.6166 OF 2023 :

1. Heard rival submissions.
2. The applicant- acquiring body is seeking permission to bring on record LRs of deceased respondent No.1 Subrao Sopan Dhepe , who admittedly died on 10/11/2007, by condoning the delay of 1742 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. Application is accordingly disposed of.

B) ORDER IN C.A. NOS.9863 OF 2023 & 9862 OF 2023:

1. Heard rival submissions.
2. The respective applicants are seeking withdrawal of the entire amounts of compensation in these applications, which have been deposited by the acquiring body alongwith the interest accrued thereon.
3. The learned counsel for the acquiring body strongly opposed the application on the ground that the reference court has granted exorbitant amount of compensation, which is nearly nine times of the amount granted by SLAO. Moreover, the interest is also awarded from the date of possession.
4. In view of the same and considering the enhancement granted by the learned reference court, which is nearly nine times, the applicants are permitted to withdraw 40% of the deposited amounts of compensation alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.
5. The remaining amounts be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.
6. The civil applications are accordingly disposed of.

C) ORDER IN C.A. NOS.4057 OF 2022 & 4060 OF 2022 :

1. The appellant – acquiring body in both these applications is seeking condonation of delay of 1223 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 1223 days stands condoned.

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

D) ORDER IN C.A. NOS.4058 OF 2022 & 4061 OF 2022 :

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

(SANDIPKUMAR C. MORE, J.)