

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

950 CIVIL APPLICATION NO.13248 OF 2023
IN FAST/20769/2021
WITH CA/12424/2021 IN FAST/20769/2021
WITH CA/12425/2021 IN FAST/20769/2021
WITH CA/12426/2021 IN FAST/21237/2021
WITH CA/12427/2021 IN FAST/21237/2021
WITH CA/13249/2023 IN FAST/21237/2021

GANAPATI KASHINATH CHAUGULE (DIED) THR LRS.
DEVI GANPATI CHAUGULE AND ORS
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for Applicants : Mr.S.N.Patil
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.3 : Mr.R.A.Tambe

...

AND

951 CIVIL APPLICATION NO.13250 OF 2023
IN FA/2351/2021
WITH CA/9197/2021 IN FA/2352/2021
WITH CA/9199/2021 IN FA/2351/2021
WITH CA/12126/2023 IN FA/2351/2021
WITH CA/13251/2023 IN FA/2352/2021

VITTHAL MARUTI FAND (DIED) THR LRS. PARVATIBAI
VITTHAL @ PARVATI VITTHAL FAND AND ORS
VERSUS

THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR, OSMANABAD AND ORS

...

Advocate for Applicants : Mr.S.N.Patil
AGP for Respondent-State : Ms.R.P.Gaur
Advocate for Respondent no.3 : Adv.S.D.Shelke

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AND

952 CIVIL APPLICATION NO.13255 OF 2023
 IN FA/2024/2021
 WITH CA/9160/2021 IN FA/2023/2021
 WITH CA/9162/2021 IN FA/2024/2021
 WITH CA/12160/2023 IN FA/2024/2021
 WITH CA/13257/2023 IN FA/2023/2021

NIRMALABAI BABU @BABURAO MENGSHETTI
 VERSUS
 THE STATE OF MAHARASHTRA THROUGH THE
 COLLECTOR, OSMANABAD AND ORS

...

Advocate for Applicant : Mr.S.N.Patil
 AGP for Respondent-State : Mr.N.T.Bhagat
 Advocate for Respondent no.3 : Adv.S.D.Shelke

...

AND

953 CIVIL APPLICATION NO.13259 OF 2023
 IN FAST/22802/2021
 WITH CA/9634/2021 IN FAST/22355/2021
 WITH CA/9635/2021 IN FAST/22355/2021
 WITH CA/9636/2021 IN FAST/22802/2021
 WITH CA/9637/2021 IN FAST/22802/2021
 WITH CA/13260/2023 IN FAST/22355/2021

MAHADU @ MAHADEV BALI @ BALIRAM CHAUGULE
 (DIED) THR LRS SULOCHANA AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS
 COLLECTOR, OSMANABAD AND ORS

...

Advocate for Applicants : Mr.S.N.Patil
 AGP for Respondent-State : Ms.R.P.Gaur
 Advocate for Respondent no.3 : Mr.M.S.Kulkarni

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AND

954 CIVIL APPLICATION NO.13261 OF 2023
 IN FAST/23522/2021
 WITH CA/10710/2021 IN FAST/23522/2021

WITH CA/10712/2021 IN FAST/23522/2021
WITH CA/10708/2021 IN FAST/23636/2021
WITH CA/10709/2021 IN FAST/23636/2021

MALLAPPA KALLAPPA DEVMANKAR (DIED) THR LRS
SUDHAKAR @MALAPPA MALLAPA DEVMANKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR, OSMANABAD AND ORS

...

Advocate for Applicant : Mr.S.N.Patil
AGP for Respondent-State : Mr.K.N.Lokhande
Advocate for Respondent no.3 : Mr.A.H.Korhalkar

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AND

955 CIVIL APPLICATION NO.13263 OF 2023
IN FAST/23632/2021
WITH CA/10717/2021 IN FAST/23527/2021
WITH CA/10718/2021 IN FAST/23527/2021
WITH CA/10719/2021 IN FAST/23632/2021
WITH CA/10720/2021 IN FAST/23632/2021
WITH CA/13264/2023 IN FAST/23527/2021

SAINTRAPPA @ SAYATRAPPA MARUTI PUJARI AND ANR
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for Applicants : Mr.S.N.Patil
AGP for Respondent-State : Mr.A.H.Korhalkar
Advocate for Respondent-State : Mr.K.B.Jadhavar

...

AND

956 CIVIL APPLICATION NO.13265 OF 2023
IN FAST/20430/2021
WITH CA/12214/2021 IN FAST/20167/2021
WITH CA/12215/2021 IN FAST/20167/2021
WITH CA/12216/2021 IN FAST/20425/2021
WITH CA/12217/2021 IN FAST/20425/2021
WITH CA/12219/2021 IN FAST/20430/2021
WITH CA/12218/2021 IN FAST/20430/2021

WITH CA/13267/2023 IN FAST/20425/2021
WITH CA/13266/2023 IN FAST/20167/2021

CHITRABAI SHIVLING KARLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR, OSMANABAD AND ORS

...

Advocate for Applicant : Mr.S.N.Patil
AGP for Respondent-State : Ms.R.P.Gaur
Advocate for Respondent no.3 : Mr.R.A.Tambe

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CORAM : ARUN R. PEDNEKER, J.
DATE : 07.11.2023

P.C. :

A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL

1] Heard the learned counsel for the parties. The present Civil Applications are filed for withdrawal of the amount.

2] The learned counsel for the applicants has produced the order dated 27th June, 2023 passed in Civil Application No.7753 of 2023 in First Appeal No.1680 of 2021. In the instant matter, there is no dispute as regards fact that the interest is awarded from the date of award and not from the date of possession.

3] In view of the same, the order dated 27th June, 2023 would be applicable to the instant applications. The applicants are permitted to withdraw 75% of the total amount of compensation along with proportion interest accrued thereon till date, subject to furnishing undertaking to the satisfaction of the Registrar [Judicial] of this Court. Remaining amount be kept in FDR in any Nationalized Bank, on yearly renewal basis, till disposal of the Appeal. Civil Applications are disposed of accordingly.

B] ORDER IN CIVIL APPLICATION FOR DELAY

1] The present Civil Applications are filed to condone the delay of 704, 834, 866 and 885 days, respectively, in filing the First Appeals.

2] For the reasons stated in the Civil Applications, the same are allowed. Delay is condoned. Appeals be registered. Civil Applications are disposed of accordingly.

C] ORDER IN CIVIL APPLICATION FOR STAY

Since the appellant – acquiring body has deposited the amount as directed by this Court, the interim stay granted by this Court stands confirmed. Civil Applications are disposed of accordingly.

D] ORDER IN FIRST APPEALS

1] First Appeals are admitted. On admission, the learned AGPs waive notice for respondent nos.1 and 2 in all First Appeals. Mr.R.A.Tambe, Adv.S.D.Shelke, Mr.M.S.Kulkarni, Mr.A.H.Korhalkar, learned counsel waives notice for respondent no.3 in respective First Appeals.

2] Call R. & P.

[ARUN R. PEDNEKER]
JUDGE

DDC