

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

933 CIVIL APPLICATION NO.236 OF 2023
IN FAST/24072/2021 WITH CA/12402/2021 IN FAST/23841/2021
WITH CA/12403/2021 IN FAST/23841/2021 WITH
CA/12410/2021 IN FAST/24062/2021 WITH CA/12411/2021 IN
FAST/24062/2021 WITH CA/12412/2021 IN FAST/24066/2021
WITH CA/12413/2021 IN FAST/24066/2021 WITH
CA/12414/2021 IN FAST/24069/2021 WITH CA/12415/2021 IN
FAST/24069/2021 WITH CA/12406/2021 IN FAST/24072/2021
WITH CA/12407/2021 IN FAST/24072/2021 WITH
CA/12404/2021 IN FAST/24075/2021 WITH CA/12405/2021 IN
FAST/24075/2021 WITH CA/12408/2021 IN FAST/24078/2021
WITH CA/12409/2021 IN FAST/24078/2021 WITH CA/239/2023
IN FAST/23841/2021 WITH CA/240/2023 IN FAST/24062/2021
WITH CA/237/2023 IN FAST/24078/2021 WITH CA/241/2023 IN
FAST/24069/2021 WITH CA/242/2023 IN FAST/24066/2021
WITH CA/238/2023 IN FAST/24075/2021

DATTATRAY VITHAL AKHADE
VERSUS

THE EXE. ENGINEER, LIFT IRRIGATION DIV., OSMANABAD AND
ANR

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Advocate for Applicant : Mr. S. A. Wakure
AGP for Respondent No.2: Mr. A. B. Chate
Advocate for Respondent No.1 : Mr. P. G. Rodge

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 10/01/2023.**

P. C. :

**IN CIVIL APPLICATION NOS.236 OF 2023, 239 OF 2023, 240 OF
2023, 237 OF 2023 AND 241 OF 2023 :**

1. Heard rival submissions.
2. The respective applicants are seeking withdrawal of entire amounts of compensation alongwith interest.

3. This court in other similar matters has already permitted the applicants therein to withdraw 75% of the deposited amount under order dated 16/07/2021.

4. In view of the same, the present applicants are also permitted to withdraw 75% of their respective share in deposited amounts alongwith the accrued interest thereon, 50% on usual undertaking and 25% on furnishing solvent surety / security / bank guarantee in the like amount. The balance 25% amounts be invested in FDR in any nationalized bank on yearly renewal basis till final disposal of these appeals. Applications are accordingly disposed of.

IN CIVIL APPLICATION NOS.12403 OF 2021, 12411 OF 2021, 12413 OF 2021, 12415 OF 2021, 12407 OF 2021, 12405 OF 2021 AND 12409 OF 2021 :-

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

IN CIVIL APPLICATION NOS.12402 OF 2021, 12410 OF 2021, 12412 OF 2021, 12414 OF 2021, 12406 OF 2021, 12404 OF 2021, 12408 OF 2021,

1. The appellant acquiring body is seeking condonation of delay of 2988 days in all these applications, which appears to be caused due to obtaining approvals at various stages.

2. There is no strong objection from other side.

3. As such, the delay of 2988 days in all these applications stands condoned.

4. The appeals be placed for admissions after removal of office objections, if any. The applications are accordingly disposed of.

IN CIVIL APPLICATION NOS.242 OF 2023 AND 238 OF 2023 :-

1. The applicants in both these applications are seeking permission to bring themselves on record being the respective legal representatives of original claimants namely Vitthal Patilbuwa Akhade and Kondiba Yashwant Katwate by condoning the delay mentioned therein.
2. Considering the right to defend, both these applications stand allowed in terms of prayer clause-B and disposed of accordingly.
3. The necessary amendment be carried out by the appellant acquiring body within the stipulated period.

(SANDIPKUMAR C. MORE, J.)