

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

935 CIVIL APPLICATION NO.10272 OF 2023
IN FAST/26043/2020

SAVALARAM ABAJI KHARTUDE
SINCE DECEASED HENCE THR LRS.
ANUSAYABAI BABASAHEB AATULE
VERSUS
THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM
PROJECT DIV.OSMANABAD & OTHERS

...

Advocate for the Applicant : Mr.A.R.Devakate
AGP for Respondent-State : Mr.K.N.Lokhande
Advocate for Respondent no.1 : Mr.M.S.Kulkarni

...

WITH
CIVIL APPLICATION NO.1225 OF 2021
IN FAST/26043/2020

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM
PROJECT DIVISION, OSMANABAD
VERSUS

SAVALARAM ABAJI KHARTUDE
SINCE DECEASED THROUGH L.Rs.
ANUSAYABAI BABASAHEB AATULE & OTHERS

...

Advocate for the applicant : Mr.M.S.Kulkarni
Advocate for the respondent no.1A : Mr.A.R.Devakate
AGP for Respondent-State : Mr.K.N.Lokhande

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WITH
CIVIL APPLICATION NO.1226 OF 2021
IN FAST/26043/2020

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM
PROJECT DIVISION, OSMANABAD
VERSUS
SAVALARAM ABAJI KHARTUDE
SINCE DECEASED THROUGH L.Rs.
ANUSAYABAI BABASAHEB AATULE & OTHERS

...
Advocate for the applicant : Mr.M.S.Kulkarni
Advocate for the respondent no.1A : Mr.A.R.Devakate
AGP for Respondent-State : Mr.K.N.Lokhande
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 05.09.2023

P.C. :

**A] ORDER IN CIVIL APPLICATION NO.10272 OF 2023
FOR WITHDRAWAL OF AMOUNT :**

1] The present Civil Application is filed to withdraw the amount deposited by the respondent – acquiring body in this Court.

2] The learned counsel for the applicants submits that this Court, by order dated 28th April, 2023 in Civil Application no.4037 of 2023 along with connected matters, permitted the applicants therein to withdraw the amount deposited by the acquiring body and same order may be passed in the present Civil Application.

3] In the present Appeal, 60% of the entire compensation awarded amount is deposited in this Court.

4] In view of the order passed in the connected matters, the applicants are permitted to withdraw the entire amount of compensation along with the interest accrued thereon till the date on giving undertaking to the satisfaction of the Registrar [Judicial] of this Court.

5] Civil Application is disposed of accordingly.

**B] ORDER IN CIVIL APPLICATION NO.1225 OF 2021
FOR CONDONATION OF DELAY :**

1] The present Civil Application is filed to condone the delay of 212 days in filing the First Appeal.

2] The learned counsel appearing for the respondents have no objection to allow the present Civil Application.

3] For the reasons stated in the Civil Application, the same is allowed. Appeal be registered. Civil Application is disposed of accordingly.

**C] ORDER IN CIVIL APPLICATION NO.1226 OF 2021
FOR STAY :**

- 1] List this matter on 10th October, 2023.
- 2] The parties are permitted to submit calculations on the next date.
- 3] Interim relief, if any, to continue till the next date.

**[ARUN R. PEDNEKER]
JUDGE**

DDC