

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

973 CIVIL APPLICATION NO.12570 OF 2023
IN FAST/23891/2020 WITH CA/8881/2023 IN FAST/23891/2020 WITH CA/
7453/2021 IN FAST/23891/2020 WITH CA/7454/2021 IN
FAST/23891/2020

KONDIBA ABA KACHARE (DIED) THR LRS. KANTABAI BALI JADHAV AND
ORS
VERSUS
THE EX. ENGINEER, IRRI. PRO. STRENGTHING (MAJBUTIKARAN) DIV.
OMERGA AND ORS

...
Advocate for Applicants : Mr. S.A. Wakure
AGP for Respondents 2 & 3 : Mr. S.B. Pulkundwar
Advocate for Respondent 1 : Mr. Jeevan Patil h/f. Mr. G.B. Rajale
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CORAM : ARUN R. PEDNEKER, J.
DATED : 01/11/2023

PER COURT :

1. The learned counsel for the applicant submits that the sole claimant has expired 2.10.2017 and delay of 1473 days has been caused in filing the application for bringing the legal heirs of deceased claimant on record. In view of the contentions made in the application, the application for bringing the legal heirs of deceased claimant on record is allowed by condoning the delay. Necessary amendment be carried out within two weeks from today by the appellant.
2. In the application filed for withdrawal of amount, the learned counsel for the applicants/claimants submits that vide order dated 16.12.2019 in Civil Application No. 14528/2019 in First Appeal No. 5011/2017 and other connected matters, arising out of the same acquisition proceedings, this Court has allowed the claimants therein to withdraw 75% amount deposited by the Acquiring Body in this Court, 50% by furnishing undertaking in usual terms and 25% by furnishing solvent surety/security.

3. The learned counsel for Acquiring Body has strongly opposed the application for withdrawal of amount.

4. In view of the earlier order dated 16.12.2019 passed in Civil Application No. 14528/2019 in First Appeal No. 5011/2017 and other connected matters, arising out of the same acquisition proceedings, the applicants herein are permitted to withdraw 75% amount deposited by the Acquiring Body in this Court, 50% by furnishing undertaking in usual terms and 25% by furnishing solvent surety/security to the satisfaction of the Registrar Judicial of this Court. Civil Application filed for withdrawal of amount is disposed of accordingly.

5. In civil application filed for condonation of delay of 2558 days caused in filed the appeal by the Acquiring Body, for the reasons stated in the application, particularly, the administrative reasons for seeking approval, the delay of 2558 days caused in filing the appeal is condoned. The application is allowed and disposed of.

6. Since the appellant Acquiring Body has deposited the amount of compensation as directed by this Court in this matter, the ad-interim stay granted earlier is confirmed. The stay application is disposed of.

7. Appeal is **admitted**.

8. On admission, Mr. Sanjay Wakure, learned counsel waive service of notice for claimant.

9. Call R. & P.

[ARUN R. PEDNEKER J.]

ssc/