

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

941 CIVIL APPLICATION NO.872 OF 2023
IN FAST/24407/2019 WITH CA/10665/2019 IN FAST/24407/2019 WITH
CA/10667/2019 IN FAST/24407/2019

BABASAHEB MARUTI NIMBALKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

...
Advocate for Applicant : Mr. Sagar K. Pandit h/f Mr. R. D. Khadap
AGP for Respondent Nos.1 & 3:- Mr. B. V. Virdhe
....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 24/01/2023.**

P. C. :

IN CIVIL APPLICATION NO.872 OF 2023 :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of entire amount of compensation, which has been deposited by the State / acquiring body. The learned AGP strongly opposed the application on the ground that the reference court has granted six time more compensation and also awarded interest from the date of possession.
3. In view of the same, the applicant at this juncture, is permitted to withdraw 60% of the deposited amount alongwith the proportionate interest accrued thereon till date by furnishing usual undertaking before Registrar (Judicial) of this court.
4. The remaining amount be invested in FDR in any nationalized bank on yearly renewal basis till final disposal of this appeal. The application is accordingly disposed of.

IN CIVIL APPLICATION NO.10665 OF 2019:

1. Heard rival submissions.
2. The State-acquiring body is seeking condonation of delay of 1196 days, which appears to be caused due to obtaining sanctions at various stages. There is no strong objection from other side. As such, the delay of 1196 days stands condoned.
3. Appeal be placed for admission after removal of office objections, if any.
4. The application is disposed of accordingly.

IN CIVIL APPLICATION NO.10667 OF 2019 :

Since the appellant - State acquiring body has deposited entire amount of compensation, the application is made absolute in terms of prayer clause-B and disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)