

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

979 CIVIL APPLICATION NO.10851 OF 2023
IN FAST/12285/2021 WITH CA/6085/2021 IN FAST/12285/2021 WITH CA/
6086/2021 IN FAST/12285/2021 WITH CA/10852/2023 IN
FAST/12285/2021

DHARMA JAYAWANTA KHADE (DEAD) THR LRS NAVNATH AND ORS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, OSMANABAD AND
ORS

...
Advocate for Applicants : Mr. A.S. More
AGP for Respondents 1 & 2 : Mr. N.T. Bhagat
Advocate for Respondent 3 : Mr. A.S. Shelke
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 01/09/2023

PER COURT :

1. As other side has no objection and for the reasons stated in Civil Application No. 10851/2023 filed for bringing on record the legal heirs of deceased applicant No. 5 Malanbai Subhash Wagh is allowed. Delay of 336 days caused in bringing the legal heirs of deceased respondent is condoned. The appellants to carry out necessary amendment in the appeal memo. Civil Application is disposed of. Remaining applicants are already served and no further notices are required.
2. The learned counsel for the applicants has pointed out that the Acquiring Body has deposited 50% of the compensation amount awarded by the Reference Court. This Court by order dated 28.4.2023 in First Appeal No. 614/2022 alongwith other connected matters has permitted the applicants therein to withdraw their 50% of the entire amount of compensation along with the interest accrued thereon on usual undertaking to the satisfaction of the Registrar Judicial of this Court.

3. In view of the above, the applicants herein are permitted to withdraw their 50% of the entire amount of compensation alongwith the interest accrued thereon till date on unual undertaking to the satisfaction of the Registrar Judicial of this Court. Civil Application filed for withdrawl of amount is disposed of.

4. For the reasons stated in the application filed for condonation of delay of of 273 days caused in filing appeal is allowed and disposed of.

5. In view of the above, the stay is confirmed and stay application is also disposed of.

6. Appeal is **admitted**.

7. Respective counsel waive service of notice for respective respondents after admission.

[ARUN R. PEDNEKER J.]

ssc/