

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

41 CIVIL APPLICATION NO.12224 OF 2023
IN FAST/24937/2020 WITH CA/626/2021 IN FAST/24937/2020 WITH
CA/627/2021 IN FAST/24937/2020 WITH CA/628/2021 IN
FAST/25024/2020 WITH CA/629/2021 IN FAST/25024/2020 WITH
CA/12223/2023 IN FAST/25024/2020

MAHADEO BAPU KHATAKE AND ORS
VERSUS
THE EXE. ENGINEER OSMANABAD MED. PRO. DIV. OSMANABAD AND ORS

...
Advocate for Applicant : Mr. A.R. Devakate
Advocate for Respondent 1 : Mr. Umesh Mitkari h/f. Mr. M.S. Kulkarni
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 06/11/2023

PER COURT :

1. Heard the learned counsel for the parties.
2. In the applications for withdrawal of amount, the learned counsel for the applicants has produced the order dated 14.1.2021 in Civil Application NO.593/2021 in First Appeal St. No. 25955/2020 and other connected matters, while granting stay, this Court has directed the Acquiring Body to deposit 50% of the compensation awarded by the Reference Court.
3. The learned counsel for the Acquiring Body has strongly opposed the applications.
4. In view of the order dated 6.11.2023 passed in Civil Application No. 12005/2023 in First Appeal St. No. 25363/2020 and other connected matters, arising of the same acquisition proceedings, the applicants herein are permitted to withdraw entire 50% amount of compensation deposited in this Court alongwith the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar Judicial of this Court. Civil Applications for withdrawal of amount are disposed of.

5. The learned counsel for the claimants submits that there is calculation error in depositing the amount. The learned counsel for the Acquiring Body submits that, in terms of the order of this Court, the amount is deposited. In view of the above submissions, liberty is granted to the parties to file appropriate application in this regard.

6. Since the appellant Acquiring Body has deposited amount of compensation as directed by this Court in all these matters, the ad-interim stay granted earlier is confirmed. Stay applications are disposed of.

7. In civil applications for delay condonation, for the reasons stated in the applications, particularly the administrative reasons, the delay of 313 days caused in filing the appeals is condoned. The applications for delay condonation are disposed of.

8. Appeals are admitted.

9. On admission, Mr. A.R. Devkate, learned counsel waives service of notice for original claimants.

10. Call R. & P.

[ARUN R. PEDNEKER J.]

ssc/