

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CIVIL APPLICATION NO.10758 OF 2023
IN FAST/23413/2020 WITH CA/8783/2020 IN FAST/22818/2020 WITH
CA/8784/2020 IN FAST/22818/2020 WITH CA/10757/2023 IN
FAST/23419/2020 WITH CA/10753/2023 IN FAST/23407/2020 WITH
CA/10754/2023 IN FAST/23426/2020 WITH CA/10756/2023 IN FAST/
22818/2020 WITH CA/10755/2023 IN FAST/23432/2020 WITH
CA/8785/2020 IN FAST/23407/2020 WITH CA/8786/2020 IN
FAST/23407/2020 WITH CA/8789/2020 IN FAST/23413/2020 WITH
CA/8790/2020 IN FAST/23413/2020 WITH CA/8787/2020 IN
FAST/23419/2020 WITH CA/8788/2020 IN FAST/23419/2020 WITH
CA/8792/2020 IN FAST/23426/2020 WITH CA/8793/2020 IN
FAST/23426/2020 WITH CA/8794/2020 IN FAST/23432/2020 WITH
CA/8795/2020 IN FAST/23432/2020 WITH CA/10759/2023 IN
FAST/23413/2020

BABU SHANKAR DUDHNALE (DIED) THR LRS. MALLINATH BABURAO
DUDHNALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ORS

...
Advocate for Applicant : Mr. Kale Ajeet B.
AGP for Respondents-State : Mr. A. B. Chate
Advocate for Respondent No.1 : Mr. A. S. Shelke
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 08/09/2023

PER COURT :

Heard the learned Advocate for the parties. The appeals are filed
by the acquiring body. The contention of the appellants in the appeal
is that ten years period of interest has been granted and that there is

four times increase in the amount granted by the Land Acquisition Officer. The Stay is granted subject to deposit of 60 % of the compensation amount granted. The CA/10758/2023, CA/10753/2023, CA/10754/2023, CA/10755/2023, CA/10756/2023, CA/10757/2023 are filed for withdrawal of the amount deposited in this Court.

2. Having heard the learned Advocate for the parties. The applicants are permitted to withdraw 50 % of the compensation amount granted by the Reference Court along with accrued interest thereon, subject to usual undertaking to be furnished to the satisfaction of the Registrar (Judicial) of this Court.

3. The applicants are permitted to withdrawn remaining 10 % amount of compensation on submitting the solvent surety/security along with accrued interest. In view of the above, all the applications filed for withdrawal of amount stand disposed of.

4. For the reasons stated in the CA/8789/2020, CA/8785/2020, CA/8792/2020, CA/8794/2020, CA/8783/2020 and CA/8787/2020, and as there is no objection from other side to condone the delay of

833 days caused in filing the First Appeals, the delay stand condoned. All the applications filed for condonation of delay are allowed and disposed of.

5. The CA/8790/2020, CA/8786/2020, CA/8793/2020, CA/8795/2020, CA/8784/2020 and CA/8788/2020 filed for 'Stay' to the impugned order passed by the learned Civil Judge, Senior Division, Omerga. The learned Advocate for the applicants/appellants submits that the amount has been deposited in this Court as per the directions of this Court. In view of the same, the 'Stay' order passed by this Court dated 19/01/2021, in all these applications, is confirmed. All the applications stand disposed of.

6. Civil Application No.10759/2023 is filed to bring on record legal heirs of deceased original claimant Babu Shankar Dudhnale by condoning delay of 4256 days. As there is no objection from other side, said application is allowed and disposed of. Necessary amendment in the appeal memo be carried out within a week.

7. All the First Appeals are **Admitted.**

8. The learned AGP waives service of notice on behalf of respondents No.2 and 3, and the learned Advocate Mr. A. B. Kale waives service of notice on behalf of respondent No.1, after admission.

(ARUN R. PEDNEKER, J.)

vj gawade/-.