

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

CIVIL APPLICATION NO.7692 OF 2023
IN FAST/26071/2020 WITH CA/7693/2023 IN FAST/26217/2020 WITH
CA/9339/2021 IN FAST/26071/2020 WITH CA/9340/2021 IN
FAST/26071/2020 WITH CA/9341/2021 IN FAST/26217/2020 WITH
CA/9342/2021 IN FAST/26217/2020 WITH CA/9343/2021 IN
FAST/26231/2020 WITH CA/9344/2021 IN FAST/26231/2020

DATTATRYA MANIKRAO LOMATE
VERSUS
THE EXE. ENGINEER MINOR IRRIGATION DIV, OSMANABAD AND ANR

...

Advocate for Applicant : Mr. Bhise Raghvendra Diliprao
AGP for Respondent State : Mr. S.S. Dande.
Advocate for respondent NO.2 : Mr. Rahul Tambe.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 23rd JUNE, 2023

P.C. :-

IN APPLICATIONS FOR CONDONATION OF DELAY :-

By these applications, the applicants are seeking to condone the delay of 2329 days caused in filing the appeal.

Mr. Tambe, learned advocate for acquiring body, invites the attention of this court to the reasons stated in para.2 of his application and submits that the delay is attributed to the administrative exigencies and compliance of various directives issued by the State of Maharashtra governing the the authorities. Mr. Tambe submits that the delay is not intentional and deliberate. He further submits that 75 % of the amount

covered under the award has been already deposited in this court alongwith interest accrued thereon, in pursuance of the order dated 8th September, 2021 passed by this Court.

Having considered the reasons stated in the application, the application deserves to be allowed. Delay of 10 days caused in filing the appeal is condoned. Appeal be registered.

Civil applications are disposed of.

B. IN APPLICATIONS FOR WITHDRAWAL

1. By this application, the original claimants are seeking withdraw of the amount deposited by the appellant Acquiring Body in pursuance of the award passed by the Reference Court.

2. Having considered the submissions advanced and the reasoning adopted by the Reference Court in the impugned judgment, it would be appropriate to permit the applicants to withdraw 75% of the amount that has been deposited in this court in pursuance of the order dated 8.9.2021, subject to usual undertaking to be furnished to the satisfaction of the Registrar (Judicial) of this Court.

3. Civil application is according disposed of.

C. IN APPLICATIONS FOR STAY.

Mr. Tambe, learned advocate for the appellant submits that in compliance of the order dated 8th September, 2021 passed in civil

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sr. no. . 932.odt

application for stay, the amount has been deposited with the Registry of this Court. The learned counsel for respondent does not dispute this position.

In that view of the matter, civil application is allowed in terms of prayer clause (B) and stand disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-