

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

103 CIVIL APPLICATION NO.11318 OF 2023
IN FAST/2184/2022

VIDYADHAR S/O.RAJARAM KULKARNI & ANOTHER
VERSUS
EX.ENGINEER, OSMANABAD MINOR IRRIGATION DIV.
OSMANABAD UNDER GMIDC, AURANGABAD & OTHERS

...

Advocate for the applicants : Mr.T.G.Gaikwad
Advocate for Respondent no.1 : Mr.B.R.Survase

...

WITH

CIVIL APPLICATION NO.8774 OF 2022
IN FAST/2184/2022
WITH CA/8775/2022 IN FAST/2184/2022

WITH

FIRST APPEAL STAMP NO.2184 OF 2022

...

EX.ENGINEER, OSMANABAD MINOR IRRIGATION DIV.
OSMANABAD UNDER GMIDC, AURANGABAD & OTHERS

VERSUS

VIDYADHAR S/O.RAJARAM KULKARNI & ANOTHER

...

Advocate for the applicants : Mr.B.R.Survase
Advocate for the respondent nos.1 and 2 : Mr.T.G.Gaikwad

...

WITH

CIVIL APPLICATION NO.11319 OF 2023
IN FIRST APPEAL STAMP NO.2320 OF 2022

RAJARAM NARHARI KULKARNI [DIED] THROUGH HIS
L.RS. VIDYADHAR AND OTHERS

VERSUS

EX.ENGINEER, OSMANABAD MINOR IRRIGATION DIV.
OSMANABAD UNDER GMIDC, AURANGABAD & OTHERS

...
Advocate for the applicants : Mr.T.G.Gaikwad
Advocate for Respondent no.1 : Mr.B.R.Survase
...

WITH
CIVIL APPLICATION NO.8778 OF 2022
IN FAST/2320/2022
WITH CA/8779/2022 IN FAST/2320/2022
WITH
FIRST APPEAL STAMP NO.2320 OF 2022

...
EX.ENGINEER, OSMANABAD MINOR IRRIGATION DIV.
OSMANABAD UNDER GMIDC, AURANGABAD & OTHERS

VERSUS
RAJARAM NARHARI KULKARNI [DIED THROUGH HIS
L.RS. VIDYADHAR AND OTHERS

...
Advocate for the applicants : Mr.B.R.Survase
Advocate for the respondent nos.1 to 4 : Mr.T.G.Gaikwad
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 11.09.2023

P.C. :

**A] ORDER IN CIVIL APPLICATIONS FOR
WITHDRAWAL OF AMOUNT**

1] The present Civil Applications are filed to
withdraw the amount deposited by the acquiring body in
this Court.

2] The First Appeal is filed by the acquiring body and the entire amount of compensation is deposited by the acquiring body along with interest accrued thereon.

3] The learned counsel for the applicants submits that enhancement has been granted five times by the Reference Court, so also, additional amount of compensation is granted for three times and interest has been awarded from the date of notification till the date of possession.

4] In view of the same, the applicants are permitted to withdraw 60% of the total amount of compensation along with accrued interest thereon till date on usual undertaking to the satisfaction of the Registrar [Judicial] of this Court. Civil Applications are disposed of accordingly.

B] ORDER IN CIVIL APPLICATIONS FOR DELAY

1] The present Civil Applications are filed to condone the delay of 1266 days in filing the First Appeals.

2] For the reasons stated in the Civil Applications, the same are allowed. Delay of 1266 days is condoned. Accordingly, Civil Applications are disposed of.

C] ORDER IN CIVIL APPLICATIONS FOR STAY

The appellant has deposited entire amount of compensation. The earlier stay granted by this Court is confirmed. Civil Applications are disposed of accordingly.

D] ORDER IN FIRST APPEALS

1] Heard. First Appeals are **admitted**.

2] On admission, Mr.T.G.Gaikwad, learned counsel waives notice for the respondents.

3] Office objections, if any, to be removed within four weeks.

[ARUN R. PEDNEKER]
JUDGE

DDC