

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

976 CIVIL APPLICATION NO.12455 OF 2023
IN FA/1139/2022 WITH CA/10034/2021 IN FA/1139/2022 WITH
CA/10036/2021 IN FA/1140/2022 WITH CA/10030/2021 IN FA/1142/2022
WITH CA/10028/2021 IN FA/1146/2022 WITH CA/10038/2021 IN
FA/1143/2022 WITH CA/10040/2021 IN FA/1145/2022 WITH
CA/10026/2021 IN FA/1144/2022 WITH CA/10032/2021 IN FA/1141/2022
WITH CA/12460/2023 IN FA/1144/2022 WITH CA/12464/2023 IN
FA/1146/2022 WITH CA/12461/2023 IN FA/1145/2022 WITH
CA/12459/2023 IN FA/1144/2022 WITH CA/12463/2023 IN FA/1140/2022
WITH CA/12462/2023 IN FA/1143/2022 WITH CA/12457/2023 IN
FA/1142/2022 WITH CA/12458/2023 IN FA/1142/2022

DHONDIBA NIVRUTI SURWASE (FANIPURE)
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, OSMANABAD
AND ORS

...
Advocate for Applicants : Mr. L.C. Patil
AGP for Respondents 1 & 2 : Mr. B.V. Virdhe
Advocate for Respondent 3 : Mr. A.S. Shelke
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 12/10/2023

PER COURT :

1. Heard the learned counsel for the respective parties.
2. In the applications filed for withdrawal of amount by the original claimants, the learned counsel for the original claimants has relied upon the order dated 3rd October, 2023 passed in Civil Application No. 11994/2023 in First Appeal No. 2810/2021 and other connected matters and submits that present appeals also arise out of the same project and also connected with the above appeals.
3. The learned counsel for Acquiring Body has strongly opposed the applications filed for withdrawal of amount.
4. Having heard the learned counsel for the parties and without going into the merits of the matter and in view of the earlier order dated 3rd

October, 2023 passed in Civil Application No. 11994/2023 in First Appeal No. 2810/2021 and other connected matters, the applicants are permitted to withdraw 75% of the total compensation amount along with the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar Judicial of this Court. Civil Applications filed for withdrawal of amount are disposed of.

5. Since the appellant acquiring body has deposited the amount as directed by this Court in these matters, the ad-interim stay granted earlier is confirmed. Stay applications are disposed of.

6. Appeals are **admitted**.

7. On admission, Mr. L.C. Patil, learned counsel waives service of notice for original claimants. The learned AGP waives service of notice for respondent No. 2 and 3 i.e. State and the Deputy Collector.

8. Call R. & P.

9. As there is no objection from other side, Civil Application filed for bringing the legal heirs of deceased Manik Basappa Barule/claimant is allowed by condoning the delay of 488 days caused in filing the application. The appellant to carry out necessary amendment in the appeal memo within a period of two weeks from today.

[ARUN R. PEDNEKER J.]

ssc/