

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

953 CIVIL APPLICATION NO.12763 OF 2023
IN FAST/28260/2022
WITH CA/17176/2022 IN FAST/28260/2022
WITH CA/17177/2022 IN FAST/28260/2022

WALABAI KISAN RATHOD & OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH DY.
COMMISSIONER EXCISE & OTHERS

...

Advocate for Applicants : Mr.S.B.Choudhari
AGP for Respondent-State : Mr.B.V.Virdhe
Advocate for Respondent no.4 : Mr.S.S.Patil h/f.
Mr.R.H.Dahat

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 20.10.2023

P.C. :

A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL OF AMOUNT

1] The present Civil Application is filed for
withdrawal of the amount deposited by the appellants in
this Court.

2] Heard the learned counsel for the parties.

3] The learned counsel for the applicant submits
that the amount deposited as granted by the Tribunal not in

terms of the direction of this Court, he may file appropriate application.

4] Without going into the merits of the matter, the Tribunal having granted compensation to the original claimants, I deem it appropriate to permit the applicants to withdraw 50% of the amount of compensation deposited in this Court along with accrued interest thereon till date subject to furnishing usual undertaking to the satisfaction of the Registrar [J.] of this Court. Undertaking to be filed by the wife of the deceased. Civil Application is disposed of accordingly.

5] The applicant is permitted to file Vakalatnama within one week.

B] ORDER IN CIVIL APPLICATION FOR DELAY

1] The present Civil Application is filed to condone the delay of 1168 days in filing the First Appeal.

2] For the reasons stated in the Civil Application, the same is allowed. Delay is condoned. Appeal be registered. Civil Application is disposed of accordingly.

C] ORDER IN CIVIL APPLICATION FOR STAY

Since the applicant - appellant has deposited entire award amount in this Court, the interim stay granted by this Court stands confirmed. Civil Application is disposed of accordingly.

D] ORDER IN FIRST APPEAL

1] First Appeal is **admitted**.

2] On admission, Mr.Manoj V. Shelke, learned counsel waives notice for respondent no.10. Mr.R.H.Dahat, learned counsel waives notice for respondent no.11.

3] Call R. & P.

[ARUN R. PEDNEKER]
JUDGE

DDC