

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

4 CIVIL APPLICATION NO. 15948 OF 2022
IN FIRST APPEAL (ST) NO. 12985 OF 2019
WITH CA/5136/2021 IN FAST/12985/2019
WITH CA/5135/2021 IN FAST/11843/2019
WITH CA/3660/2020 IN FAST/11843/2019
WITH CA/3656/2020 IN FAST/12985/2019
WITH CA/15949/2022 IN FAST/12985/2019

MADHAV BABARAO BAGULE (DIED) THROUGH LRS
PRAKASH MADHAV BAGULE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER OSMANABAD MINOR
IRRIGATION SUB - DIVISION OSMANABAD AND OTHERS

...

Mr. V.V. Ingale – Advocate for Applicants
Mr. R.D. Sanap – AGP for Respondent Nos.2 and 3, State
Ms. S.G. Chincholkar – Advocate for Respondent No.1

....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 17th August, 2023

PER COURT :

CIVIL APPLICATION NO. 15948 OF 2022

1. Heard rival submissions.
2. The applicants are seeking permission to bring on record the legal representatives of respondent No. 1C and 1I in the appeal, who admittedly died on 22nd July, 2019 and 7th May,

2020 respectively, by condoning the respective delay of 1122 and 170 days.

3. There is no strong objection from other side and considering the right to defend, the application stands allowed in terms of prayer clauses 'A' and 'B'.

4. The appellant – acquiring body is directed to carry out the amendment forthwith.

5. The Application is accordingly disposed of.

CIVIL APPLICATION NO. 15949 OF 2022

6. Heard rival submissions.

7. The applicants are seeking withdrawal of amount of compensation, which has been deposited by the Acquiring Body alongwith the interest accrued thereon. It appears that, the Acquiring Body has deposited only 75% of the compensation amount.

8. This Court vide order dated 23.08.2022 in other similar matter has already permitted the applicants therein to

withdraw the entire 75% deposited amount.

9. In view of the same, the applicants herein are permitted to withdraw the entire 75% deposited amount of compensation alongwith the interest accrued thereon till date i.e. 50% on furnishing usual undertaking and remaining 25% on furnishing solvent security/surety to the satisfaction of the Registrar (Judicial) of this Court.

10. The civil application is accordingly disposed of.

CIVIL APPLICATION NO. 5136 OF 2021

CIVIL APPLICATION NO. 5135 OF 2021

11. Since the applicant – acquiring body has deposited amount of compensation as directed by this Court, the applications are made absolute in terms of prayer clause ‘B’ and disposed of.

CIVIL APPLICATION NO. 3660 OF 2020

CIVIL APPLICATION NO. 3656 OF 2020

12. The appellant – acquiring body in both these applications is seeking condonation of delay periods mentioned therein, which appear to be cause due to obtaining

sanctions at various stages. There is no strong objection from other side and therefore the delay periods stand condoned.

13. The appeals be placed for admission after removal of office objections, if any.

14. The applications are accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE