

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

915 CIVIL APPLICATION NO.5954 OF 2023
IN FIRST APPEAL (ST) NO. 33697 OF 2021
WITH CA/6040/2023 IN FAST/33705/2021
WITH CA/6041/2023 IN FAST/33705/2021
WITH CA/3189/2022 IN FAST/33401/2021
WITH CA/3190/2022 IN FAST/33401/2021
WITH CA/3191/2022 IN FAST/33697/2021
WITH CA/3192/2022 IN FAST/33697/2021
WITH CA/3193/2022 IN FAST/33702/2021
WITH CA/3194/2022 IN FAST/33702/2021
WITH CA/3187/2022 IN FAST/33705/2021
WITH CA/3188/2022 IN FAST/33705/2021

NAMDEV BAPU BANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR LATUR AND ANOTHER

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Mr. P.C. Mayure – Advocate for Applicant
Mr. P.M. Kulkarni – AGP for Respondent No.1, State
Mr. M.C. Swami – Advocate for Respondent No.2

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 30th June, 2023

PER COURT :

CIVIL APPLICATION NO. 6041 OF 2023

1. Heard rival submissions.
2. The applicants are seeking permission to bring themselves on record in the appeal being the legal

representatives of sole claimant – respondent No.1 by name Tukaram Shankar Rathod, who admittedly died on 24.03.2009, by condoning the delay of 5062 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 'B' and 'C'.

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

5. The application is accordingly disposed of.

CIVIL APPLICATION NO. 5954 OF 2023

CIVIL APPLICATION NO. 6040 OF 2023

6. Heard rival submissions.

7. The respective applicants are seeking withdrawal of their entire amounts of compensation, which have been deposited by the acquiring body alongwith the interest accrued thereon.

8. The learned counsel for the acquiring body opposed the application on the ground that, the Reference Court has granted exorbitant amount of compensation, which is beyond ten times of the amounts granted by S.L.A.O. As against the learned Counsel for the applicants produced on record earlier

order of this Court wherein 75% withdrawal was granted. However, order dated 4th January, 2023 indicates that, such withdrawal was granted by observing that, the Reference Court had granted compensation five times than the compensation granted by the S.L.A.O.

9. In view of the same and considering the enhancement granted by the learned Reference Court, which is more than ten times, the applicants are permitted to withdraw their respective 50% of the deposited amounts of compensation alongwith the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

10. The remaining amounts be kept in F.D.R. in any nationalized Bank on yearly renewal basis till final disposal of these appeals.

11. The civil applications are accordingly disposed of.

CIVIL APPLICATION NO. 3189 OF 2022

CIVIL APPLICATION NO. 3191 OF 2022

CIVIL APPLICATION NO. 3193 OF 2022

CIVIL APPLICATION NO. 3187 OF 2022

12. The appellant – acquiring body in all these applications

is seeking condonation of delay of 1164 days, which appears to be cause due to obtaining sanctions at various stages. There is no strong objection from other side and therefore the delay of 1164 days stands condoned.

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

14. The applications are accordingly disposed of.

CIVIL APPLICATION NO. 3190 OF 2022

CIVIL APPLICATION NO. 3192 OF 2022

CIVIL APPLICATION NO. 3194 OF 2022

CIVIL APPLICATION NO. 3188 OF 2022

15. Since the appellant – acquiring body has deposited amounts of compensation as directed by this Court, the applications are made absolute in terms of prayer clause – B and disposed of.

[SANDIPKUMAR C. MORE]
JUDGE