

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

922 CIVIL APPLICATION NO.7090 OF 2023
IN FAST/27735/2019 WITH CA/12021/2019 IN FAST/27735/2019
WITH CA/408/2023 IN FAST/27735/2019

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

VERSUS

BABRUWAN MUKUNDRAO SURWASE DIED THROUGH LRS
CHABUBAI SURWASE AND OTHERS

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Mr. B.V. Virdhe, A.G.P. for State Acquiring Body.
Mr. S.N. Patil, Advocate for the respondents.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 14th June 2023.

ORDER:-

IN CIVIL APPLICATION NO. 7090 OF 2023 :

1. Leave to correct the date of death of respondent No.2 as "08.04.2021" as mentioned in his death certificate.
2. Heard rival submissions.
3. The applicant State Acquiring Body is seeking permission to bring legal representatives of respondent Nos.1 and 2 on record, who admittedly died on 08.02.2023 and 18.04.2021 respectively, by condoning the delay of 317 days.
4. There is no strong objection from other side and considering the right to sue, the application stands allowed in terms of prayer clauses-B and C.
5. The appellant - Acquiring Body is directed to carry out the amendment forthwith. Application is accordingly disposed of.

IN CIVIL APPLICATION NO. 12021 OF 2019 :

1. The appellant State – acquiring body is seeking condonation of delay of 2883 days, which appears to be caused due to obtaining sanctions at various stages. There is no strong objection from other side and therefore the delay of 2883 days stands condoned.
2. The appeal be placed for admission after removal of office objections, if any.
3. Application is accordingly disposed of.

IN CIVIL APPLICATION NO. 408 OF 2023 :

1. Leave to correct the names of legal heirs of applicant No.1.
2. Heard rival submissions.
3. The applicants are seeking withdrawal of entire amount of compensation, which has been deposited by the State Acquiring Body alongwith the interest accrued thereon.
4. This Court, vide order dated 28.02.2003 in other connected matter, has permitted the applicants therein to withdraw the entire deposited amounts. In view of the same, the applicants herein are permitted to withdraw the entire deposited amount of compensation alongwith the interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.
5. The civil application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)