

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

10 CIVIL APPLICATION NO. 1683 OF 2021
IN FIRST APPEAL (ST) NO. 2505 OF 2021
WITH CA/1681/2021 IN FAST/2523/2021
WITH CA/3891/2023 IN FAST/2505/2021
WITH CA/766/2023 IN FAST/2523/2021

THE M.K.V.D.C. THR EXECUTIVE ENGINEER MEDIUM
PROJECT OSMANABAD AND ANOTHER
VERSUS
SHAHARAM VITHOBA WAMAN AND OTHERS

AND

11 CIVIL APPLICATION NO. 1733 OF 2021
IN FIRST APPEAL (ST) NO. 2677 OF 2021
WITH CA/1740/2021 IN FAST/2835/2021
WITH CA/1738/2021 IN FAST/2838/2021
WITH CA/767/2023 IN FAST/2838/2021
WITH CA/4720/2023 IN FAST/2677/2021

THE M.K.V.D.C. THROUGH EXECUTIVE ENGINEER MEDIUM
PROJECT OSMANABAD AND ANOTHER
VERSUS
BHAGWAN S/O UTTAM SHEKADE AND OTHERS

AND

12 CIVIL APPLICATION NO. 1777 OF 2021
IN FIRST APPEAL (ST) NO. 2537 OF 2021
WITH CA/1779/2021 IN FAST/2496/2021
WITH CA/779/2023 IN FAST/2537/2021

THE M.K.V.D.C. THR EXECUTIVE ENGINEER MEDIUM
PROJECT OSMANABAD AND ANOTHER
VERSUS
ARJUN SAKHARAM DAHATONDE (DEAD) THR LRS BABU
(DEAD) THR LRS DAMU AND OTHERS

AND

14 CIVIL APPLICATION NO. 1815 OF 2021
IN FIRST APPEAL (ST) NO. 2930 OF 2021
WITH CA/1825/2021 IN FAST/2763/2021
WITH CA/1822/2021 IN FAST/2919/2021
WITH CA/4785/2023 IN FAST/2763/2021

THE M.K.V.D.C. THR EXECUTIVE ENGINEER MEDIUM
PROJECT OSMANABAD AND ANOTHER
VERSUS
MAHADEO DAGADU SHEKADE (DIED) THR LRS PARVATI
AND OTHERS

AND

15 CIVIL APPLICATION NO. 1833 OF 2021
IN FIRST APPEAL (ST) NO. 2558 OF 2021
WITH CA/1837/2021 IN FAST/2555/2021
WITH CA/1841/2021 IN FAST/2560/2021
WITH CA/4791/2023 IN FAST/2558/2021
WITH CA/768/2023 IN FAST/2560/2021

THE M.K.V.D.C. THR EXECUTIVE ENGINEER OSMANABAD
AND ANOTHER
VERSUS
SHAIKH BASIR SHAIKH BANDUBHAI AND OTHERS

AND

16 CIVIL APPLICATION NO. 1899 OF 2021
IN FIRST APPEAL (ST) NO. 2855 OF 2021
WITH CA/1904/2021 IN FAST/2644/2021
WITH CA/1907/2021 IN FAST/2866/2021
WITH CA/4787/2023 IN FAST/2644/2021
WITH CA/764/2023 IN FAST/2866/2021

THE M.K.V.D.C. THR EXECUTIVE ENGINEER MEDIUM
PROJECT OSMANABAD AND ANOTHER
VERSUS
SATISH ANNA WAMAN AND OTHERS

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Mr. A.M. Gaikwad – Advocate for Applicants
Mr. S.S. Dande, Mr. A.B. Chate, Mr. S.N. Kendre &
Mr. B.V. Virdhe – AGP's for Respondents, State

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 10th April, 2023

PER COURT :

CIVIL APPLICATION NO. 3891 OF 2023
CIVIL APPLICATION NO. 766 OF 2023
CIVIL APPLICATION NO. 767 OF 2023
CIVIL APPLICATION NO. 4720 OF 2023
CIVIL APPLICATION NO. 779 OF 2023
CIVIL APPLICATION NO. 4785 OF 2023
CIVIL APPLICATION NO. 4791 OF 2023
CIVIL APPLICATION NO. 768 OF 2023
CIVIL APPLICATION NO. 4787 OF 2023
CIVIL APPLICATION NO. 764 OF 2023

1. Heard rival submissions.
2. The respective applicants are seeking withdrawal of their amounts of compensation, which has been deposited by the acquiring body alongwith the interest accrued thereon in all these matters. It appears that, the acquiring body in all these matters has deposited only 50% of the compensation amounts. Though the learned counsel for the applicants pointed out that, the acquiring body has actually deposited only 32% of the compensation amounts as directed by this

Court but at this stage, keeping that point open, the withdrawal applications are considered.

3. The learned counsel for the acquiring body pointed out that, this Court considering the enhancement granted by the Reference Court and the excessive interest which has been allowed, only directed to deposit 50% of the compensation amounts. Though there is dispute as regards the deposit of entire 50% of the compensation amounts but at this juncture, the respective applicants are permitted to withdraw the entire deposited compensation amounts alongwith the interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

4. The civil applications are accordingly disposed of.

CIVIL APPLICATION NO. 1683 OF 2021
CIVIL APPLICATION NO. 1681 OF 2021
CIVIL APPLICATION NO. 1733 OF 2021
CIVIL APPLICATION NO. 1740 OF 2021
CIVIL APPLICATION NO. 1738 OF 2021
CIVIL APPLICATION NO. 1777 OF 2021
CIVIL APPLICATION NO. 1779 OF 2021
CIVIL APPLICATION NO. 1815 OF 2021
CIVIL APPLICATION NO. 1825 OF 2021
CIVIL APPLICATION NO. 1822 OF 2021
CIVIL APPLICATION NO. 1833 OF 2021

CIVIL APPLICATION NO. 1837 OF 2021
CIVIL APPLICATION NO. 1841 OF 2021
CIVIL APPLICATION NO. 1899 OF 2021
CIVIL APPLICATION NO. 1904 OF 2021
CIVIL APPLICATION NO. 1907 OF 2021

5. The appellant – acquiring body in all these applications is seeking condonation of delay periods as mentioned therein, which appear to be cause due to obtaining sanctions at various stages.

6. There is not strong objection from other side and therefore the delay periods in all these applications stand condoned.

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

8. The applications are accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE

Pooja K.