



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 521 OF 2024
IN FAST/8234/2023**

Shivaji S/o Manohar Gate

....Applicant

VERSUS

The State Of Maharashtra Through Collector Osmanabad

.....Respondent

.....
Advocate for Applicant : Mr. L. C. Patil

A.G.P for Respondent Nos. 1 and 2 : Mr. A. S. Shinde

Advocate for Respondent No.3 : Mr. V. P. Narwade

....

CORAM : S. G. MEHARE, J.

DATE : 19.01.2024

ORDER :

**61. CIVIL APPLICATION NO. 521 OF 2024
IN FAST/8234/2023 (WITHDRAWAL)**

**62. CIVIL APPLICATION NO. 522 OF 2024
IN FAST/14437/2023 (WITHDRAWAL)**

**63. CIVIL APPLICATION NO. 524 OF 2024
IN FAST/14633/2023 (WITHDRAWAL)**

**65. CIVIL APPLICATION NO. 527 OF 2024 IN
FAST/8429/2023 (WITHDRAWAL)**

**67. CIVIL APPLICATION NO. 529 OF 2024
IN FAST/14623/2023 (WITHDRAWAL)**

1. Heard the learned counsel for the applicant and the learned counsel for the appellant/Acquiring Body.

2. In similarly situated case this Court by order on 31st October 2023 allowed the applicant to withdraw the amount. Hence, the order.

ORDER

- (i) All the applications are partly allowed.
- (ii) Applicants are allowed to withdraw 75% of the total amount of compensation. 50% amount be released on the usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court and 25% on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. The remaining amount be kept in fixed deposit in any nationalized bank on the yearly renewal basis.

61. CIVIL APPLICATION NO. 5170 OF 2023
IN F.A.S.T. 8234 OF 2023 (DELAY)

62. CIVIL APPLICATION NO. 6019 OF 2023
IN FAST/14437/2023 (DELAY)

63. CIVIL APPLICATION NO. 524 OF 2024
IN FAST/14633/2023 (DELAY)

65. CIVIL APPLICATION NO. 527 OF 2024 IN
FAST/8429/2023 (DELAY)

67. CIVIL APPLICATION NO. 6026 OF 2023
FAST/14623/2023 (DELAY)

AND

61. CIVIL APPLICATION NO. 5171 OF 2023
IN FAST/8234/2023 (STAY)

62. CIVIL APPLICATION NO. 6020 OF 2023
IN FAST/14437/2023 (STAY)

- 63. CIVIL APPLICATION NO. 6033/2023
IN FAST/14633/2023 (STAY)
- 65. CIVIL APPLICATION NO. 6024 OF 2023
IN FAST/8429/2023
- 67. CIVIL APPLICATION NO. 6027 OF 2023
IN FAST/14623/2023

3. The applicants have moved these applications for condonation of delay in preferring the appeal.

4. Heard the learned counsel for the applicants and the learned counsel for the respondents.

5. The learned counsel for the respondents opposed the application contending the reasons for the condonation of delay are not legally acceptable.

6. The learned counsel for the applicants further submitted that the entire amount of compensation has been deposited. Hence, the impugned award may be stayed.

7. Perused the application for condonation of delay. For the reasons mentioned in the application, the delay is liable to be condoned. Hence, the following order :-

ORDER

- (i) All the applications are allowed.

- (ii) The delay caused in preferring the appeals stand condoned.
- (iii) The office is directed to register the appeals.
- (iv) The implementation, effect and operation of the impugned award is stayed till the conclusion of the appeals.

8. Admit

- 9. Issue notice to the respondents after admission. The learned A.G.P waives service of notice for respondent State.
- 10. The learned counsel Mr. L. C. Patil waives service of notice for all the respondents.
- 11. Call record and proceedings.
- 12. List the matter in due course.

**(S. G. MEHARE)
JUDGE**

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