



(1)

24-CA-12429-2024

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

**24 CIVIL APPLICATION NO. 12429 OF 2024
IN FAST/9754/2021**

Sitaram Deu Wakale (died) Thr Lrs Kesharbai (died) And Ors

VERSUS

The State Of Maharashtra, Through The Collector, Osmanabad And Ors

WITH

**CIVIL APPLICATION NO. 6032 OF 2021
IN FAST/9754/2021**

Ex. Engineer, Osmanabad Medium Project Div. Osmanabad And Ors

VERSUS

Sitaram Deu Wakale (died) Thr Lrs Kesharbai And Ors

WITH

**CIVIL APPLICATION NO. 6033 OF 2021
IN FAST/9754/2021**

Ex. Engineer, Osmanabad Medium Project Div. Osmanabad And Ors

VERSUS

Sitaram Deu Wakale (died) Thr Lrs Kesharbai And Ors

WITH

**CIVIL APPLICATION NO. 12441 OF 2024
IN FAST/9754/2021**

Sitaram Deu Wakale (died) Thr Lrs Kesharbai (died)and Ors

VERSUS

The State Of Maharashtra, Through The Collector, Osmanabad And Ors

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Mr. Abhijit S.More, Advocate for Applicant in CA and Respondent No.2 to 5 in appeal.

Ms. Sunita D. Shelke for Respondent No.3.

Mr. N. D. Raje, AGP for Respondent-State.

**CORAM : KISHORE C. SANT, J.
DATE : 26th NOVEMBER 2024**

PC :-

CA/12429/2024

1. This Civil Application is filed for deletion of the name of Kesharbai Sitaram Wakale, original claimant. She died on 17th December 2019. Her

legal heirs i.e. applicant Nos. 2 to 5 are already on record.

2. In view of the same, application stands allowed. The applicant to take necessary steps to delete the name of Respondent No.1 i.e. Kesharbai Sitaram Wakale from the cause title of the appeal and the applications.

3. Application stands disposed off.

CIVIL APPLICATION FOR WITHDRAWAL

1. The appellant-acquiring body has deposited 50% of the amount in this Court.

2. In view of the same, following order:-

ORDER

(i) The application stands allowed.

(ii) The applicants are permitted to withdraw the entire amount (50% of the amount as per award) deposited in this Court alongwith accrued interest on furnishing usual undertaking.

(iii) Application stands disposed off.

CIVIL APPLICATION FOR DELAY

1. Heard.

2. For the reasons stated in the application, application is allowed. Delay stands condoned.

3. Office to register the First Appeal.

4. Application stands disposed off.

FIRST APPEAL

1. Heard.
2. Admit.
3. Mr. More, Learned Advocate for respondents waives service of notice on admission.
4. Call for record and proceedings.

CIVIL APPLICATION FOR STAY

1. Heard the parties.
2. Since the acquiring body has already deposited 50% of the amount in this Court as per impugned judgment and award, there shall be stay to the impugned judgment and award till disposal of the appeal.

[KISHORE C. SANT, J.]