



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**21 CIVIL APPLICATION NO. 11027 OF 2024
IN FAST/16736/2023**

DIGAMBAR NIVARTI PAWAR DIED THR LRS AND ORS
VERSUS
THE EXECUTIVE ENGINEER AND ORS

...
Advocate for Applicant : Mr. Vivekanand V. Ingale.
Advocate for Respondent No.1 : Ms. Ranjana D. Reddy.
...

AND

**CIVIL APPLICATION NO. 9101 OF 2023
IN FAST/16736/2023**

AND

**CIVIL APPLICATION NO. 9102 OF 2023
IN FAST/16736/2023**

EXECUTIVE ENGINEER MINOR IRRIGATION DIV. OSMANABAD AND
ORS
VERSUS
DIGAMBAR NIVARTI PAWAR

...
Advocate for Applicant : Ms. Ranjana D. Reddy.
...

AND

**CIVIL APPLICATION NO. 11028 OF 2024
IN FAST/16736/2023**

DIGAMBAR NIVARTI PAWAR DIED L R S AND ORS
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION AND ORS

...
Advocate for Applicant : Mr. Vivekanand V. Ingale.
Advocate for Respondent No.1 : Ms. Ranjana D. Reddy.
...

CORAM : **KISHORE C. SANT, J.**

DATE : 03rd December, 2024.

P.C.:

. Heard the learned counsel for the parties.

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2 This application is for bringing on record the legal heirs of deceased Digambar Pawar, original claimant. Digambar died 5th October, 2019. The present applicants Nos.1A to 1C are the only heirs, as per the certificate issued by the Sarpanch of Village Naichakur, Taluka Omerga, District Osmanabad. There is delay of 1707 days caused in filing the application. For the reasons stated in the application, the delay stands condoned. The application is allowed. The appellant to carry out necessary amendment within two weeks from today.

CIVIL APPLICATION NO. 9101 OF 2023

3 Mr. V. V. Ingale, learned counsel appears for the legal heirs of the respondent / claimant. The application for bringing on record is already allowed.

4 For the reasons stated in the application, the delay stands condoned. The application is allowed. Appeal be registered.

Application for stay:

5 Since the amount is already deposited by the appellant, there

shall be stay to the impugned judgment and award till disposal of the appeal. The application stands disposed of.

Appeal:

6 Heard.

7 **Admit.**

8 The record and proceedings be called for.

Application for withdrawal of amount:

9 This application is for withdrawal of the amount deposited by the appellant in the office of this Court. The present applicants are the heirs of deceased Digambar, original claimant.

10 The application is vehemently opposed by the learned counsel for the appellant. He submits that the learned SLAO had granted the amount @ Rs.10,000/- per Hectare. The same is enhanced to Rs.87,500/- per Hectare, which is more than eight times.

11 Considering the above, the following order is passed:-

ORDER

- I. The applicants are permitted to withdraw 50% of the amount alongwith accrued interest deposited in this Court on furnishing usual undertaking. Further 25% of the amount with accrued interest is allowed to be

withdrawn 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 till disposal of the appeal.

- II. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]

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