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907 -FA-848-2023

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

907 FIRST APPEAL NO. 848 OF 2023

Ex. Engineer, Medium Project Latur Now Latur Minor Irri. Div. Latur
Under Gmidc, And Ors

VERSUS

Madhav S/o Maruti More And Ors

WITH

CIVIL APPLICATION NO. 442 OF 2023

IN FA/848/2023

WITH

CIVIL APPLICATION NO. 4823 OF 2024

IN FA/848/2023

WITH

CIVIL APPLICATION NO. 9814 OF 2024

IN FA/848/2023

WITH

CIVIL APPLICATION NO. 9816 OF 2024

IN FA/848/2023

WITH

CIVIL APPLICATION NO. 9815 OF 2024

IN FA/848/2023

WITH

CIVIL APPLICATION NO. 9813 OF 2024

IN FA/848/2023

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Mr. B. R. Survase Advocate for Appellant.

Mr. Subhash Chillarge and Shrikant J. Sonkawade for Respondent No.1
to 3.

Mr. G. D. Kale h/f Mr. A. A. Bhosle for respondent No. 4/1 and 4/2.

Mr. K. S. Patil, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 12th DECEMBER 2024

PC :-

CIVIL APPLICATION/9815/2024

1. Heard the parties.
2. This civil application is for bringing on record the legal heirs of Venkatrao Maruti More, original claimant and respondent in appeal. The deceased died on 4th August 2014. The present applicants are the representatives of the deceased as per the certificate issued by Sarpanch Gram Panchayat Karyalaya, Wadmurumbi, Taluka, Deoni Dist.Latur. There is delay of 3568 days caused in filing the application.
3. For the reasons stated in the application, application is allowed. Delay stands condoned.
4. Necessary amendment be carried out within a period of two weeks from today.

CIVIL APPLICATION/9816/2024

1. At the outset, the learned Advocate seeks leave to delete the name

of Applicant No.4/1 and 4/2 as they have preferred separate application.

2. Leave granted.

3. Learned Advocate for the applicant further submits that he is not pressing this application for applicant No.3. So far as, other applicants are concerned, the application for withdrawal of the amount is vehemently opposed by learned Advocate Mr. Surwase appearing for Respondent No.1. However, the amount deposited is 75% of the amount enhanced by the reference Court. The applicant relied upon the order passed by this Court in Civil Application No.9808 of 2024 and other connected applications dated 12th September 2024.

4. In view of the same, the applicant Nos.1, 2 and 5 to 12 are permitted to withdraw 50% of the deposited amount alongwith accrued interest as per chart at Exhibit R-1 on furnishing usual undertaking.

5. Further 25% of the deposited amount is permitted to be withdrawn alongwith accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar of this Court.

6. Application stands disposed off.

CIVIL APPLICATION/9814/2024

1. Heard the learned Counsel for the parties.
2. This application is for withdrawal of the amount. This application is vehemently opposed by learned Advocate for Respondent. However, the amount deposited is 75% of the amount enhanced by the reference Court. The applicant relied upon the order passed by this Court in Civil Application No.9808 of 2024 and other connected applications dated 12th September 2024.
3. In view of the same, the applicants are permitted to withdraw 50% of the deposited amount alongwith accrued interest as per chart at Exhibit R-1 on furnishing usual undertaking.
4. Further 25% of the deposited amount is permitted to be withdrawn alongwith accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar of this Court.
5. Application stands disposed off.

FIRST APPEAL

1. Admit.
2. Call for record and proceedings.

3. Respective Advocates appearing for the claimant waives notice to their case.
4. In remaining applications, stand over to 14th January 2025.

[KISHORE C. SANT, J.]