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

**5 CIVIL APPLICATION NO. 12747 OF 2024
IN FAST/26377/2020**

**BHAGWAN VITHALRAO BIRAJDAR @ BIRADAR AND ORS
VERSUS**

**EX. ENGINEER, LATUR MINOR IRRIGATION DIV. LATUR UNDER GMIDC., AURANGABAD
AND ANR**

WITH

**CIVIL APPLICATION NO. 3662 OF 2021 IN FAST/26377/2020
CIVIL APPLICATION NO. 3663 OF 2021 IN FAST/26377/2020
CIVIL APPLICATION NO. 3664 OF 2021 IN FAST/26396/2020
CIVIL APPLICATION NO. 3665 OF 2021 IN FAST/26396/2020
CIVIL APPLICATION NO. 12748 OF 2024 IN FAST/26377/2020**

Mr.S.J. Sonkawade, Advocate for the applicants-claimants.

Mr.B.R. Survase, Advocate for respondent-Acquiring Body.

Mr.K.N. Lokhande, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 05.12.2024

PC :-

CIVIL APPLICATION FOR LRs.

01. This application is filed for bringing on record legal representatives of deceased Nagnath, who died on 09.11.2019. Present applicants are the only legal representatives of the deceased as per certificate issued by Sarpanch, Bamni, Tal. Udgir, Dist. Latur. There is delay of 1714 days caused in filing the application.

02. For the reasons stated in the application, the delay stands condoned. The application is allowed. Necessary amendment be carried out in the cause title of the appeal and the application within two weeks from today.

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

01. Heard learned Advocates for the parties. The application is vehemently opposed by learned Advocate for the respondents. He submits that exorbitant amount is awarded by the Reference Court. The property acquired is house property. However, looking to the fact that the total amount of compensation is Rs.3,96,183/-, this Court is inclined to allow the application. Hence, the application is allowed.

02. The applicants are permitted to withdraw 75% of the total amount deposited in this Court along with accrued interest on giving usual undertaking. Remaining 25% of the amount along with accrued interest is allowed to be withdrawn on giving solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court. With this, the civil application is allowed and is disposed off.

CIVIL APPLICATIONS FOR CONDONATION OF DELAY

01. For the reasons stated in the applications, the delay stands condoned. The applications are allowed. The first appeals be registered.

FIRST APPEALS

01. Heard.

02. Admit.

03. Learned Advocate Mr.S.J.Sonkawade waives service of notice for the respondents-claimants.

CIVIL APPLICATIONS FOR STAY

01. Since the amount as per award is already deposited in this Court, there shall be stay to the impugned judgment and order till disposal of the appeal .

02. The civil applications are accordingly allowed and are disposed off.

[KISHORE C. SANT, J.]