



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CIVIL APPLICATION NO. 14174 OF 2023 IN FAST/31364/2011
WITH
CIVIL APPLICATION NO. 14176 OF 2023 IN FAST/31364/2011
WITH
CIVIL APPLICATION NO. 1189 OF 2012 IN FAST/31364/2011
WITH
CIVIL APPLICATION NO. 1190 OF 2012 IN FAST/31364/2011
WITH
CIVIL APPLICATION NO. 14175 OF 2023 IN FAST/31364/2011

Pandurang Ambadas Kakade, Died Thr. L.rs. Vithal (died) Thr Lrs. Kashibai
And Ors

....Applicant

VERSUS

The Exe. Engineer, Med. Pro. Div., Osmanabad And Anr

.....Respondent

.....

Advocate for Applicant : Mr. M.P. Tripathi
AGP for Respondent 2 : Mr. V.M. Chate
Advocate for Respondent 1 : Mr. R.B. Deshmukh

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CORAM : ARUN R. PEDNEKER, J.

Dated : January 30, 2024

PER COURT :-

1. Civil Application No. 14175/2023 is filed by the original claimants for bringing the legal heirs of deceased applicant No. 1/F on record by condoning the delay of 190 days caused in filing the appeal. For the reasons stated in the application, the application is allowed. Legal heirs of deceased applicant No. 1/F be brought on record. The delay of 190 days caused in filing the application is condoned.

2. Civil Application No. 1189/2012 is filed by the Acquiring Body for condonation of delay of 749 days caused in filing the first appeal. For the reasons stated in the application and particularly the administrative reasons, the application is allowed. Delay of 749 days caused in filing the appeal is condoned.

3. The learned counsel for the applicants submits that As per Government Resolution dated 3rd November 2016 and 23rd February 2017, the State has taken a policy decision not to challenge the award wherein increase in compensation is not more than two times in the city /urban area and not more than four times in the rural area. The learned counsel submits that the present matter is covered by the aforesaid two Government Resolutions. The learned counsel appearing for the respondents/Acquiring Body submits that the aforesaid G.Rs. would be applicable to the instant case.

4. In view of the aforesaid Government Resolution dated 3rd November 2016 and 23rd February 2017 and the view taken by this Court in earlier orders passed in First Appeal No. 1012/2003 dated 12.1.2024 and other similar matters, the present first appeal is dismissed.

5. Liberty is granted to the applicants to withdraw the amount in terms of the order of the reference Court along with the accrued interest thereon subject to usual undertaking to the satisfaction of the concerned court. Civil Application No. 14174/2023 filed by the original claimants for withdrawal of amount is disposed of accordingly. Stay application is also disposed of.

(ARUN R. PEDNEKER, J.)

ssc/