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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 CIVIL APPLICATION NO. 8948 OF 2024
IN FAST/21414/2020

Baburao Tulshiram Patil

VERSUS

The State Of Maharashtra Through Collector, Osmanabad and
others

...

Advocate for Applicant : Mr. Yash Pareek h/f Mr. Ajeet B. Kale

AGP for Respondent Nos. 1 and 2: Mr. Dnyaneshwar J. Patil

Advocate for Respondent No.3 : Mr. A.S. Shelke

...

AND

CIVIL APPLICATION NO. 1358 OF 2021

M.K.V.D.C. Ltd, Thr Ex. Engineer, Irrigation Department
Strengthening Div. Omerga

VERSUS

Baburao Tulshiram Patil and others

...

AND

CIVIL APPLICATION NO. 1359 OF 2021
IN FAST/21414/2020

M.K.V.D.C. Ltd, Thr Ex. Engineer, Irrigation Department
Strengthening Div. Omerga

VERSUS

Baburao Tulshiram Patil and others

...

AND

CIVIL APPLICATION NO. 1965 OF 2024
IN FAST/21414/2020

M.K.V.D.C. Ltd, Thr Ex. Engineer, Irrigation Department
Strengthening Div. Omerga

VERSUS

Baburao Tulshiram Patil and others

...

Advocate for Applicant : Mr. Shelke Avishkar S.

Advocate for Respondent No.1 : Mr. Yash Pareek h/f Mr. Ajeet B. Kale

AGP for Respondent Nos. 2 and 3: Mr. Dnyaneshwar J. Patil

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 07th JANUARY 2025

PER COURT :-

1. The civil application No. 8948 of 2024 has been filed for withdrawal of the amount which has been deposited by the appellant-acquiring body. The appellant acquiring body has deposited only 75% amount of the impugned judgment and award.

2. In view of the above, the applicant in civil application No.8948 of 2024 is permitted to withdraw the aforesaid 75% amount i.e. 50% on furnishing usual undertaking and 25% on furnishing security/solvent to the satisfaction of the Registrar (Judicial) of this Court. The civil application No. 8948 of 2024 is disposed of.

3. In so far as the civil application No.1358 of 2021 is concerned, the same is filed for condonation of delay caused in filing the first appeal.

4. Perused the application. Heard learned advocates for the respective parties. Learned advocate for the applicant points out para 5 of the application and submits that the applicant submitted the

proposal for legal opinion to the office of the applicant-Corporation and it took some time to get the approval. Further some time was consumed in forwarding the documents to the panel advocate and sanction of funds. He therefore, submits that the delay is not intentional or deliberate and prays that in the interest of justice the delay be condoned. However. Learned advocates for the respondents have strongly opposed the application.

5. It appears that the delay is not intentional or deliberate. Therefore, for the reasons stated in the application, the application is allowed in terms of prayer clause "B" and disposed of.

6. In so far as the civil application Nos. 1965 of 2024 and 1359 of 2021 are concerned, learned advocate for the applicants submits that as per the direction of this Court, the entire amount under award has been deposited. In view of the said statement, both the civil applications are disposed of as infructuous.

(SANJAY A. DESHMUKH, J.)

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