

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

**916 CIVIL APPLICATION NO. 13663 OF 2024
IN FA/2076/2022**

WITH

**CIVIL APPLICATION NO. 11890 OF 2022
IN FA/2076/2022**

WITH

**CIVIL APPLICATION NO. 13664 OF 2024
IN FA/2076/2022**

**SAMBHU MAHADU MASTUD (DIED) THR LRS. KALAWATI
VASANT KHARDE AND OTHERS**

....Applicants

VERSUS

**THE STATE OF MAHARASHTRA THR THE COLLECATOR,
OSMANABAD AND ORS**

.....Respondents

.....

Advocate for Applicants : Mr. Abhijit S. More

AGP for Respondent/State: Mr. D. J. Patil

Advocate for Respondent No.3 : Mr. G. B. Rajale

....

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 06 FEBRUARY , 2025

ORDER

IN CIVIL APPLICATION NO. 13663 OF 2024

1. Heard rival submissions.
2. The learned counsel for the applicants submits that name of applicant No.10 Rajendra Dashrath Mastud be deleted, since he died without living any legal representatives.
3. It appears that, Rajendra is one of the legal

representative of Dashrath and other Legal representative of Dashrath are already on record as applicant Nos. 2,3 7 and 9.

4. Admittedly, Rajendra has died on 12.12.2018. As such, the application stands allowed in terms of prayer clause (B) and disposed of.

5. Necessary amendment be carried out within two weeks.

6. Place the matter on 20.02.2025.

IN CIVIL APPLICATION NO. 13664 of 2024

1. Heard rival submissions.

2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the Acquiring Body along with the interest accrued thereon.

3. The learned counsel for the acquiring body opposed the application, but this Court in other similar matters, has already granted permission to withdraw 60% amount of the 75% amount of compensation deposited by the Acquiring Body therein, to the concerned applicants. As such, the applicants herein are permitted to withdraw 75% of the deposited amount of compensation, along with the proportionate interest thereon

till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

4. The remaining amount be kept in FDR in any Nationalized Bank on yearly renewal basis till final disposal of this appeal.

5. The civil application is accordingly disposed of.

IN CIVIL APPLICATION NO. 11890 OF 2022 (Stay)

Since the appellant/Acquiring Body has deposited the amount of compensation as directed by this Court, the application is made absolute in terms of its prayer during the pendency of this appeal and disposed of.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni