



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CIVIL APPLICATION NO. 10816 OF 2025
IN FAST/7387/2023

SARASWATI SANDIPAN LIMASE

VERSUS

THE EXECUTIVE ENGINEER OSMANABAD MINOR IRRIGATION DIVISION
OSMANABAD DIST OSMANABAD

...

Mr. V. S. Undre, Advocate for Applicant
Mrs. M. N. Ghanekar, AGP for Respondents-State
Mr. S. B. Patil, Advocate for Respondent No.1

...

WITH
CIVIL APPLICATION NO. 3088 OF 2023
IN FAST/7387/2023

WITH
CIVIL APPLICATION NO. 3089 OF 2023
IN FAST/7387/2023

THE EXECUTIVE ENGINEER OSMANABAD MINOR IRRIGATION DIVISION

VERSUS

GORAKH VITHAL KAWADE DIED THROUGH L RS VIJAY SHRIRAM KAWADE
AND OTHERS

...

Mr. S. B. Patil, Advocate for Applicant
Mrs. M. N. Ghanekar, AGP for Respondents-State
Mr. V. S. Undre, Advocate for Respondent Nos.7 to 9

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CIVIL APPLICATION NO.3160 OF 2025
IN FAST/7387/2023

MANGAL GORAKH UNDRE

VERSUS

THE EXECUTIVE ENGINEER OSMANABAD MINOR IRRIGATION DIVISION
AND ORS

...

Mr. V. S. Undre, Advocate for Applicant

Mrs. M. N. Ghanekar, AGP for Respondents-State
Mr. S. B. Patil, Advocate for Respondent No.1

...
CIVIL APPLICATION NO.3159 OF 2025
IN FAST/7387/2023

SULAKSHANA VASANT GADHAVE
VERSUS
THE EXECUTIVE ENGINEER OSMANABAD MINOR IRRIGATION DIVISION
AND ORS

...
Mr. V. S. Undre, Advocate for Applicant
Mrs. M. N. Ghanekar, AGP for Respondents-State
Mr. S. B. Patil, Advocate for Respondent No.1

...
CORAM : SHAILESH P. BRAHME, J.
DATE : 09.12.2025

PER COURT :-

CIVIL APPLICATION NO. 3088 OF 2023

. The acquiring body seeks to condone delay of 1247 days. The averments of the application have not been denied by the respondents/claimants. For the reasons stated in the application, it is desirable to condone the delay.

2. The delay stands condoned.

CIVIL APPLICATION NO. 3089 OF 2023

3. The acquiring body has deposited the amount in pursuance of the order of this Court, stay granted earlier shall stand confirmed.

4. Civil Application is disposed of.

FIRST APPEAL STAMP NO.7387 OF 2023

5. **Admit.** The learned AGP waives service of notice for respondent/State. Mr. V. S. Undre, learned counsel waives service of notice for respondents/claimants.

6. Call for Record and Proceeding. Print is dispensed with.

CIVIL APPLICATION NO.10816 OF 2025**CIVIL APPLICATION NO.3159 OF 2025****CIVIL APPLICATION NO.3160 OF 2025**

7. Civil Applications Nos.3159 of 2025 and 3160 of 2025 are not on board. Upon mentioning, taken on board.

8. Applications are for withdrawal of amount of Rs.6,22,529/- deposited by the acquiring body in pursuance of the orders passed by this Court. Those applications were heard on 23.09.2025 but time was granted to take instructions.

9. The original claimant Gorakh Vitthal Kamble passed away and he is survived by a son Shriram who is also passed away and survived by three daughters namely Mangal, Sulakshna and Saraswati. The legal heirs of Shriram are brought on record but they have not preferred any independent application for withdrawal of amount. Three daughters have preferred present separate applications seeking withdrawal of the amount to their extent. Needless to mention that the son and daughters are entitled to have 25% of

the share per strip.

10. The applications are contested by the acquiring body stating that enhancement given by the Reference Court is exorbitant. In similarly situated matters, the claimants were permitted to withdraw the amount deposited by the acquiring body on certain conditions. I propose to follow the same course in permitting the legal heirs to receive the amount to their extent by following conditions.

11. Civil Applications are allowed permitting each legal heirs of Gorakh to receive 75% of the deposited amount with accrued interest on furnishing undertaking to the satisfaction of the learned Registrar (Judicial) of this Court as per equal share, per strip. They are also entitled to receive balance 25% of the deposited amount on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court as per equal share, per strip.

(SHAILESH P. BRAHME, J.)