IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 CIVIL APPLICATION NO. 2390 OF 2025
IN FA/952/2025

TEJAS S/O TULSIRAM WAGHMODE U. GUARDIANSHIP OF FATHER TULSHIRAM BAPURAO WAGHMODE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR DHARASHIV AND ORS

WITH CIVIL APPLICATION NO. 2391 OF 2025
IN FA/954/2025

AND

19 CIVIL APPLICATION NO. 2392 OF 2025
IN FA/951/2025

KUSUM S/O KISAN KHODKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AND ORS

AND

20 CIVIL APPLICATION NO. 2940 OF 2025
IN FAST/35081/2023

NAMDEV S/O BABURAO SANAP
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR DHARASHIV AND ORS

WITH CIVIL APPLICATION NO. 13854 OF 2023 IN FAST/35081/2023

...
Advocate for Applicants : Adv. S. A. Kale h/f Mr. Ajeet B. Kale.
AGPs for Respondent/s-State : Mrs. M. N. Ghanekar, Mr. S. V. Hange, respectively.
Advocate for Respondent No.3 : Mr. V. N. Khiste h/f R. B. Gaikwad.
...

CORAM : SHAILESH P. BRAHME, J.
DATE : 04.11.2025

PER COURT :-

1. The applicants are seeking withdrawal of amount on the ground of parity.

2. The Co-ordinate Bench in similarly situated matters, permitted the applicants to receive 75% of the amount on furnishing undertaking. There is no reason for this Court to deviate from the view taken earlier.

3. In First Appeal No.952 of 2025 amount of Rs.3,51,829/-, in First Appeal No.951 of 2025 amount of Rs.2,81,462/- and in First Appeal No.954 of 2025 amount of Rs.1,14,253/- are deposited by the acquiring body. The applicants are entitled to receive 75% of the amount as stated above.

4. Whereas in FAST No.35081 of 2023, the acquiring body did not deposit the amount. Learned counsel for the acquiring body seeks time to deposit the amount. Time of six (6) weeks is granted to deposit the amount. In case the amount is deposited, 75% of the same shall be disbursed to the applicant on furnishing undertaking.

5. All civil applications for withdrawal of amount are allowed permitting the applicants to receive 75% of the amount on furnishing undertaking.

6. The balance amount shall be invested in nationalized bank.

Civil Application No.13854 of 2023 (Delay)

7. Applicant seeks to condone delay of 1998 days in preferring first appeal.

8. For the reasons stated in the application, it is desirable to condone the delay. Besides that, in similarly situated matters, first appeals are filed and the acquiring body has deposited amount in the High Court. The delay needs to be condoned.

9. Civil application for delay is allowed.

First Appeals

10. **Admit.**

11. Learned counsel Mr. Kale waives service of notice for respondents/claimants.

12. Call for Record and Proceedings from the concerned Court.

13. Print is dispensed with.

(SHAILESH P. BRAHME, J.)

...

vmk/-