



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

**921 CIVIL APPLICATION NO. 4276 OF 2025
IN FA/1200/2022**

Balasaheb S/o Sambhappa Todkar (died),
Through Lrs Mahadevi Balasaheb Todkar And OrsApplicants

VERSUS

The Ex. Engineer, Irrigation Department Beed
Thr Beed Irrigation Div. Beed And Anr.Respondents

.....

Mr. Abhijeet V. Thombre, Advocate for Applicants
Mr. R. C. Patil, Advocate for Respondent No.1
Mr. Rajdeep. D. Raut, AGP for the Respondent No.2 – State

.....

AND

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AND

**CIVIL APPLICATION NO. 8398 OF 2022
IN FA/1200/2022**

The Ex. Engineer, Irrigation Department Beed
Thr Beed Irrigation Div. Beed And AnrApplicants

VERSUS

Balasaheb S/o Sambhappa TodkarRespondent

.....

Mr. R. C. Patil, Advocate for the Applicant
Mr. Rajdeep D. Ruat, AGP for Applicant No.2
Mr. Abhijeet V. Thombre, Advocate for Respondent

.....

AND
CIVIL APPLICATION NO. 8397 OF 2022
IN FA/1200/2022

The Ex. Engineer, Irrigation Department Beed
 Thr Beed Irrigation Div. Beed And Anr.Applicants

VERSUS

Balasaheb S/o Sambhappa TodkarRespondent

.....

Mr. R. C. Patil, Advocate for the Applicant
 Mr. Rajdeep D. Ruat, AGP for Applicant No.2
 Mr. Abhijeet V. Thombre, Advocate for Respondent

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CORAM : NEERAJ P. DHOTE, J.
DATE : 17.04.2025

PER COURT :

[I] ORDER IN CIVIL APPLICATION NO.4277/2025 :-

1. This is an Application filed by the legal representatives of the Original Claimant. The Original Claimant had preferred the Application under Section 18 of the Land Acquisition Act, 1894. The said Reference was decided vide the Judgment and Order dated 14/09/2020, by the learned Civil Judge, Senior Division, Majalgaon, in L.A.R. No.206/2012.

2. After the said Reference was decided, the Original Claimant by named Balasaheb Sambhappa Todkar died. In the meanwhile, the Acquiring Body preferred the Appeal against the Judgment and Award passed by the said Reference Court. As the Acquiring Body was not aware of the death of Original Claimant, they impleaded the Original Claimant in the Appeal as the Respondent. After receiving the notice in the Appeal, the legal representatives of the Deceased - Balasaheb Sambhappa Todkar approached this Court by way of this Application to bring them on record, they being legal

representatives of Deceased - Balasaheb Sambhappa Todkar.

3. Issue notice to the Respondents. The learned Advocate Mr.Patil waives service of notice for Respondent No.1 - Acquiring Body and the learned AGP waives service of notice for Respondent No.2.

4. Heard all the sides. There is a copy of Legal Heir Certificate issued by the Competent Court i.e. Joint Civil Judge, Senior Division, Dharur dated 11/03/2022 showing the Applicants as the legal representatives / heirs of Deceased - Balasaheb Sambhappa Todkar. On hearing all the sides and on going through the Application, the Application is allowed in terms of Prayer Clauses - 'B' and 'C'.

6. The Appellant shall amend the title clause of the Appeal, so that, the names of legal representatives / heirs of Deceased - Respondent can be impleaded as the parties. Amendment be carried out within a period of four [4] weeks. Civil Application stands disposed off accordingly.

[II] ORDER IN CIVIL APPLICATION NO.4276/2025 :-

1. This is an Application filed by the legal representatives / heirs of Original Claimant / Deceased - Balasaheb Sambhappa Todkar for withdrawal of the amount deposited by the Acquiring Body in this Court.

2. Heard the learned Advocate for the Applicants, learned Advocate for Respondent No.1 - Acquiring Body and the learned AGP for Respondent No.2 - State.

3. It is brought to my notice that, in connected matters, this Court by order dated 29/09/2023, in group of Applications one of which is Civil Application No.10691/2023 in First Appeal No.713/2022, has permitted the Original Claimants therein to withdraw 50% of the amount along with accrued interest thereon, on furnishing usual undertaking to the satisfaction of the Registrar [Judicial] of this Court and directed that, remaining amount be kept in fixed deposit in any Nationalized Bank on yearly basis till disposal of the Appeals.

4. The Application by the Applicants to bring them on record as the legal representatives of Deceased - Balasaheb Sambhappa Todkar has been allowed. In this view of the matter, the Application is allowed in terms of the said order dated 29/09/2023.

5. The Applicants are allowed to withdraw 50% of the amount along with accrued interest thereon, on furnishing usual undertaking to the satisfaction of the Registrar [Judicial] of this Court. Remaining amount be kept in fixed deposit of any Nationalized Bank on yearly basis till disposal of the Appeal. Civil Application stands disposed off accordingly.

[III] ORDER IN CIVIL APPLICATION NO.8398/2022 :-

1. This is an Application for stay by the Acquiring Body to the impugned Judgment and Award.

2. By order dated 10/08/2022, the stay was granted subject to condition of depositing the entire amount under the Award within a period of twelve [12] weeks.

3. There is no dispute that, the Acquiring Body has deposited the entire amount in this Court. Hence, the said interim order is made absolute and the Application for stay stands disposed off accordingly.

[IV] ORDER IN CIVIL APPLICATION NO.8397/2022 :-

1. This is an Application for condonation of delay by the Acquiring Body in preferring the First Appeal against the Judgment and Award passed by the learned Reference Court.

2. The Office note shows that, the Appeal preferred by the Acquiring Body is well within the limitation period.

3. In view of the Office Note, the Application is allowed to be withdrawn and the same stands disposed off accordingly.

[V] ORDER IN FIRST APPEAL :-

1. This is the First Appeal against the Judgment and Award passed by the learned Reference Court.

2. Heard.

3. **Admit.**

4. Issue notice to the Respondents. The learned Advocate waives service of notice for the Respondents – Claimants.

5. Call for Record and Proceedings with Paper-book.

[NEERAJ P. DHOTE, J.]