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925-CA-11288-2025

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

**925 CIVIL APPLICATION NO. 11288 OF 2025
IN FAST/8277/2025**

**Harchand Shrawan Mahajan Died Through Lrs Sumanbai Harchand
Mahajan And Others**

VERSUS

The Executive Engineer And Others

WITH

**CIVIL APPLICATION NO. 5155 OF 2025
IN FAST/8277/2025**

WITH

**CIVIL APPLICATION NO. 5156 OF 2025
IN FAST/8277/2025**

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Mr. Datta Ankush Madake, Advocate for Applicant.

Mr. Ajay D. Pawar, Advocate for the Respondent No.1.

Smt. Chaitali Chaudhari-Kutti, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 10th OCTOBER 2025.

PC :-

CONDONATION OF DELAY

1. This application is filed for condonation of delay of 1012 days caused in filing the first appeal by the acquiring body challenging the judgment and award passed by the learned Reference Court.

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2. For the reasons stated in the application, delay stands condoned. Application is allowed. Office to register the first appeal.

3. With this, civil application stands disposed off.

FIRST APPEAL

4. Heard.

5. Issue notice to the Respondents, returnable on 21st November 2025.

6. Learned Advocate Mr. Madake waives service of notice for original claimants- Respondents.

7. Learned AGP waives service of notice for respondent-State.

8. Call for record and proceedings.

STAY APPLICATION

9. The appellant-acquiring body has already deposited the amount as per impugned judgment and award alongwith interest in the office of this Court.

10. In view of the same, there shall be stay to the impugned judgment and award till final disposal of the appeal.

11. With this, civil application stands disposed off.

WITHDRAWAL

12. Heard the learned Advocates for the parties.

13. This civil application No.11285/2025 is filed for withdrawal of the amount deposited by the appellant acquiring body in the office of this Court. This Court has already passed an order dated 3rd October 2025 in Civil Application No.8205 of 2025 in First Appeal No.1997 of 2025 arising out of the same acquisition proceedings.

14. Considering above, following order:

ORDER

(i) Application is partly allowed.

(ii) The applicants are permitted to withdraw 50% of the amount deposited in the office of this Court alongwith accrued interest on furnishing usual undertaking.

(iii) Further 25% of the amount alongwith accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

(iv) Remaining amount be kept in fixed deposit in any nationalized bank till final disposal of the first appeal.

(v) With this, civil application stands disposed off.

[KISHORE C. SANT, J.]