



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

**24 CIVIL APPLICATION NO. 10928 OF 2025
IN FA/1209/2021**

SHIVAJI S/O SANDIPAN KHODAKE DIED THROUGH LEGAL
REPRESENTATIVE SMT. MANGAL SHIVAJI KHODAKE

VERSUS

THE STATE OF MAHARASHTRA AND ANR

**WITH CIVIL APPLICATION NO. 7138 OF 2021
IN FA/1209/2021 WITH CIVIL APPLICATION NO. 7144 OF
2021 IN FA/1212/2021 WITH CIVIL APPLICATION NO. 7140
OF 2021 IN FA/1210/2021 WITH CIVIL APPLICATION NO.
10930 OF 2025 IN FA/1209/2021 WITH CIVIL APPLICATION
NO. 10933 OF 2025 IN FA/1210/2021 WITH CIVIL
APPLICATION NO. 10932 OF 2025 IN FA/1210/2021 WITH
CIVIL APPLICATION NO. 10935 OF 2025 IN FA/1212/2021**

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Advocate for Applicant : Mr. Patil Laxmikant C.
AGP for Respondent/s-State : Mrs. M. N. Ghanekar.
Advocate for Respondent No.3 : Mr. Rahul A. Tambe.

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

PER COURT :-

Civil Applications for L.Rs.

1. Applicants are praying for condonation of delay, setting aside abatement and bringing legal heirs on record. The cause of action survives against legal heirs of claimant who died in both appeals. The delay needs to be condoned. Appeals preferred by the acquiring body are yet to be heard on merits. Delay needs to be condoned.

2. Civil applications are allowed in terms of prayer clauses “A” to “C”.

3. Both parties shall be at liberty to carry out necessary amendment.

Civil Applications for Withdrawal

4. Applicants are seeking withdrawal of the amount deposited by the respondent/acquiring body. First appeals are in respect of lands acquired for Storage Tank Dhotri in File No.1999/LNQ/CR-36.

5. In similarly situated matters, the Co-ordinate Bench permitted the applicants to receive 75% of the amount on furnishing undertaking. On the ground of parity, applicants are entitled to receive 75% of the amount with accrued interest on furnishing undertaking.

6. Civil applications are allowed partly permitting the applicants to receive 75% of the amount with accrued interest on furnishing undertaking.

7. Balance amount shall be invested in nationalized bank.

First Appeals

8. **Admit.**

9. Learned counsel Mr. Patil waives service of notice for respondent/claimant.

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

11. Print is dispensed with.

Civil Applications for Stay

12. As the entire amount is deposited by acquiring body, ad-interim relief granted earlier shall stand confirm. Civil applications for stay are disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-