



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

45 CIVIL APPLICATION NO. 7124 OF 2025 IN FA/498/2023

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT STRENGTHENING
DIVISION, OMERGA

VERSUS

ANANDRAO S/O KUNDLIK NAVGIRE AND ORS

...

- Ms. Shelke Sunita Dashrathrao, Advocate for Applicant
- Mr. S. N. Kendre, AGP for Respondent Nos.3 and 4
- Mr. L. C. Patil, Advocate for Respondent Nos.1A to 1D and 2

...

WITH

CIVIL APPLICATION NO. 3731 OF 2025 IN FA/498/2023

ANANDRAO KUNDLIK NAVGIRE DIED THROUGH LRS VALJANANTH DIED
THR LRS MANANDA AND ORS

VERSUS

THE STATE OF MAHARASHTRA

...

- Mr. L. C. Patil, Advocate for Applicants
- Mr. S. N. Kendre, AGP for Respondent Nos.1 and 2
- Ms. Sunita D. Shelke, Advocate for Respondent No.3

...

WITH

CIVIL APPLICATION NO. 4117 OF 2025 IN FA/498/2023

ANANDRAO SO KUNDLIK NAVGIR DIED THROUGH LRS VALJANTA AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ORS

...

- Mr. L. C. Patil, Advocate for Applicants
- Mr. S. N. Kendre, AGP for Respondent Nos.1 and 2
- Ms. Sunita D. Shelke, Advocate for Respondent No.3

...

WITH

CIVIL APPLICATION NO. 17104 OF 2022 IN FA/498/2023

...
CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 14.07.2025

PER COURT :-

CIVIL APPLICATION NO. 7124 OF 2025

1. Although the application is filed by the applicants to bring on record the legal representatives of deceased respondent No.1A, it is pointed out that after the death of respondent No.1A, the names of her legal representatives are already brought on record and therefore, the applicants only pray to delete the name of respondent No.1A from the array of parties. The learned counsel for respondent Nos.1A to 1D and 2 has no objection.
2. In view of this, the Civil Application is allowed.
3. Applicants are permitted to carry out amendment by deleting the name of respondent No.1A from the array of parties.
4. The Civil Application is disposed of.

CIVIL APPLICATION NO. 3731 OF 2025

1. Advocate Patil, learned counsel for the applicants seeks permission to withdraw this Civil Application.

2. Permission granted.
3. The Civil Application is disposed of as withdrawn.

CIVIL APPLICATION NO. 4117 OF 2025

1. This is an application by the applicants seeking permission to withdraw the entire amount of compensation.
2. The learned counsel for the applicants submits that in identical matter arising out of the same project the claimants were permitted to withdraw 75% amount and he relies on order dated 17th October 2024 passed by this Court in **Civil Application No.6184 of 2024 in First Appeal No.77 of 2023**. He also relies on order dated 1st July 2024 passed by this Court in **Civil Application No.6297 of 2024**. By these orders, this Court had allowed the claimants therein to withdraw 75% of the amount on furnishing undertaking.
3. The application is opposed by learned counsel for the respondents.
4. However, considering the fact that this Court has already passed order in similar matters arising out of same acquisition proceedings, the following order is passed:-

ORDER

- i. The applicants are permitted to withdraw 75% of the amount alongwith accrued interest deposited in this Court on furnishing an undertaking that in case the appeal is allowed, the applicants shall re-deposit the amount withdrawn with interest within twelve weeks from the date of such order. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.
- ii. With this, the Civil Application for withdrawal of amount stands disposed of.

(PRAFULLA S. KHUBALKAR, J.)