



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

23 CIVIL APPLICATION NO. 7505 OF 2025  
IN FAST/27069/2023

RAOSAHEB DATTATRAY SHINDE AND ANR  
*VERSUS*

THE EXECUTIVE ENGINEER SINA KOLEGAON PROJECT  
PARANDA DIST OSMANABAD AND ORS

WITH CIVIL APPLICATION NO. 7507 OF 2025  
IN FAST/27061/2023 WITH  
CIVIL APPLICATION NO. 13100 OF 2023  
IN FAST/27066/2023 WITH  
CIVIL APPLICATION NO. 13098 OF 2023  
IN FAST/27061/2023 WITH  
CIVIL APPLICATION NO. 13099 OF 2023  
IN FAST/27061/2023 WITH  
CIVIL APPLICATION NO. 13103 OF 2023  
IN FAST/27069/2023 WITH  
CIVIL APPLICATION NO. 13101 OF 2023  
IN FAST/27066/2023 WITH  
CIVIL APPLICATION NO. 13102 OF 2023  
IN FAST/27069/2023

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Advocate for Applicants : Mr. Undre Vikram Shivaji  
AGP for Respondent/s-State : Mrs. M. N. Ghanekar.  
Advocate for respective Respondent/s : Mr. Anil M. Gaikwad.

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CORAM : SHAILESH P. BRAHME, J.  
DATE : 11.11.2025

PER COURT :-

Civil Application No.13100 of 2023 (Narsingh)

1. It is reported that respondent No.2 is no more. Time of four (4) weeks is granted to take steps against deceased respondent.

**Civil Applications for Withdrawal**

2. Heard both sides.
3. In pursuance of the earlier orders, the acquiring body has deposited only 60% of the amount with accrued interest which is sought to be withdrawn by present applications.
4. Learned counsel for the applicants submits that in view of the orders dated 27.09.2023 passed by the Co-ordinate Bench in identical matters, the claimants were permitted to receive 75% of the amount of 100% deposits on furnishing undertaking.
5. Applications are contested by learned counsel Mr. Gaikwad on the ground that the enhancement by the Reference Court is exorbitant from Rs.546/- per R. to Rs.5000/- per R. It is submitted that acquiring body has every hope of success in the appeals.
6. In the present matters, the acquiring body is directed to deposit 60% of the amount with accrued interest instead of 100%. The amount of 40% is in a way secured. The Co-ordinate Bench permitted the claimants to receive 75% of the amount on furnishing undertaking. I find it appropriate to

permit the entire amount with accrued interest to be disbursed to the claimants on furnishing undertaking.

7. Civil applications for withdrawal are allowed permitting the applicants to receive the amount deposited with accrued interest on furnishing undertaking.

#### **Civil Applications for Delay**

8. For the reasons stated in the applications, it is desirable to condone the delay. Delay stands condoned.

9. Civil applications for delay are allowed.

#### **Civil Applications for Stay**

10. As 60% of the amount has been deposited by the acquiring body, ad-interim relief granted earlier shall stand confirmed.

11. Civil applications for stay are disposed of.

**(SHAILESH P. BRAHME, J.)**

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vmk/-