



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO. 974 OF 2025
IN/WITH FA/2461/2019

Ratan Rama Chavan (died) Thr Lrs Motabai And Ors
VERSUS
Ex. Engineer, Irrigation Project Majbutikarn Div. Omerga Dist.
Osmanabad And Ors

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AND

CIVIL APPLICATION NO. 975 OF 2025
IN FA/2461/2019 WITH
CIVIL APPLICATION NO.8054 OF 2018
Ratan Rama Chavan (died) Thr Lrs Motabai And Ors
VERSUS
Ex. Engineer, Irrigation Project Majbutikarn Div. Omerga , Dist.
Osmanabad And Ors

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Advocate for Applicant : Mr. Laxmikant C. Patil
AGP for Respondent Nos. 2 and 3: Mr. Rajdeep D. Raut
Advocate for Respondent No.1 : Mr. S.G. Bhalerao

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 23rd JANUARY 2025

PER COURT :-

1. The civil application No. 974 of 2025 is filed on behalf of the legal representatives of original claimant Ratan Rama Chavan, seeking permission to prosecute the first appeal No. 2461 of 2019, by bringing them on record and to condone the delay caused in filing the said application.

2. Perused the application. Heard learned advocates for both

the sides.

3. Mr. Bhalerao, learned advocate strongly objected the application by submitting that the delay is not properly explained and therefore, prayed to reject the application.

4. It appears that the delay caused in filing the said civil application is not deliberate. Thus, considering the reasons stated in the application, it would be proper to condone the delay in the interest of justice, as it is not caused deliberately. The application therefore, is allowed. Delay is condoned. The applicants are permitted to prosecute the first appeal. The application is disposed of.

5. In so far as the civil application No. 975 of 2025 is concerned, the same is filed for withdrawal of the amount. It is not in dispute that in connected matters of similarly situated claimants, this court has permitted to withdraw 50% amount of compensation on furnishing usual undertaking and 15% amount on furnishing solvent surety/security and the balance amount is directed to be invested in fixed deposit in any nationalized bank till disposal of appeal. applicants/claimants are entitled for the same relief.

6. In that view of the matter, the application is disposed of by

permitting the claimants to withdraw 50% amount on furnishing usual undertaking and 15% on furnishing solvent surety/security in the like amount to the satisfaction of Registrar (Judicial) of this Court, alongwith with proportionate interest and the balance amount be deposited in fixed deposit in any nationalized bank till disposal of appeal.

7. In so far as the civil application filed for stay is concerned, heard both sides. Learned advocate Mr. Bhalerao submitted that entire amount under award is deposited. Considering his statement, the very purpose of filing this civil application for granting stay is fulfilled. The application therefore, becomes infructuous and it is disposed of accordingly.

8. List the first appeal on 06.03.2025. Call for record and proceeding.

(SANJAY A. DESHMUKH, J.)

rlj/