



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

**901 CIVIL APPLICATION NO. 9545 OF 2025
IN FAST/14584/2024**

**SHANTABAI UDDHAVRAO KURUM AND ORS
VERSUS
THE EXECUTIVE ENGINEER, PATBANDHARE PRAKALP,
MAJBUTIKARAN VIBHAG AND ORS**

**WITH CIVIL APPLICATION NO. 8124 OF 2024
IN FAST/14581/2024 WITH
CIVIL APPLICATION NO. 8126 OF 2024
IN FAST/14584/2024 WITH
CIVIL APPLICATION NO. 9544 OF 2025
IN FAST/14581/2024
CIVIL APPLICATION NO. 13855 OF 2025
IN FAST/14584/2024**

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Advocate for Applicants : Mr. Jawale Shyam Shahaji.
AGP for Respondent/s-State : Mrs. M. N. Ghanekar.
Advocate for Respondent No.1 : Mr. Chetan T. Jadhav –
(Through V. C.).
Advocate for Applicant in CA/13855/2025 : Mr. Vijay V.
Deshmukh.

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**CORAM : SHAILESH P. BRAHME, J.
DATE : 16.12.2025**

PER COURT :-

1. Heard the learned counsels for the respective parties.
2. The acquiring body seeks to condone delay of 658 days in preferring first appeals for the reasons stated in the applications. The civil applications for delay are contested by the respondents/claimants.

3. The averments of the applications have not been controverted. There are no malafides on the part of the acquiring body in preferring first appeals belatedly. It is desirable to condone delay. Delay stands condoned.

4. Civil applications for delay are allowed.

Civil Application No.9545 of 2025

Civil Application No.13855 of 2025

Civil Application No.9544 of 2025

5. Civil Application Nos.9545 of 2025 and 13855 of 2025 are filed by the claimants seeking withdrawal of the amount of Rs.42,31,398/-. They are legal heirs of original claimants Uddhavro Kurum. They are entitled to equal share in the compensation for which there is no dispute.

6. Civil Application No.9544 of 2025 is filed by original claimant for withdrawal of amount of Rs.40,68,365/-.

7. Applicants are relying upon earlier order passed by this Court on 28.07.2025 in similarly situated matters for disbursement of entire amount on furnishing undertaking.

8. Learned counsel Mr. Jadhav appearing for the acquiring body opposes the applications. It is submitted that in the present appeals entire amount has been deposited by the

acquiring body and withdrawal of the amount with accrued interest on merely furnishing undertaking would be unsafe. He would submit that only 75% of the amount at the most would be disbursed.

9. I have considered rival submissions of the parties. The common order upon which the reliance is placed by the claimants was the case in which the acquiring body has deposited only 75% with accrued interest by the acquiring body. Both parties are unable to demonstrate as to how much amount was permitted to be withdrawn in those matters. Whereas the case in hand shows that substantial amount has been deposited in each appeal which are 100% deposits. It would be appropriate to permit the claimants to receive 75% amount with accrued interest on furnishing undertaking and 25% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial).

10. Civil applications for withdrawal are partly allowed permitting them to withdraw 75% of the amount with accrued interest on furnishing undertaking and balance 25% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

11. It is made clear that legal heirs of Uddhavrao shall receive the amount in equal proportion.

12. The claimants shall be at liberty to withdraw the execution petition for partial satisfaction for being satisfied partially and in that case they would be at liberty to file execution for remaining amount in future, if so required.

First Appeals

13. **Admit.**

14. Learned AGP waives service of notice for respondents-State. Learned counsel Mr. Jawale waives service of notice for respondents/claimants.

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

16. Print is dispensed with.

(SHAILESH P. BRAHME, J.)

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vmk/-