



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

38 CIVIL APPLICATION NO. 12567 OF 2025
IN FAST/15908/2024
WITH
CIVIL APPLICATION NO. 7633 OF 2024
IN FAST/15908/2024
WITH
CIVIL APPLICATION NO. 7634 OF 2024
IN FAST/15908/2024

SADHU SO SAMBHAJI MOTE
VERSUS
THE EXECUTIVE ENGINEER, IRRIGATION PROJECT

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Advocate for Claimant : Mr. Mukund Shankarrao Patil
AGP for State: Mrs. M.N. Ghanekar
Advocate for Acquiring Body : Mr. Prashant R. Nangare

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CORAM : SHAILESH P. BRAHME, J.
DATE : 08.12.2025

PER COURT :

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

Heard both sides.

2. The Acquiring Body has deposited Rs. 16,39,188/- which is 70% only with accrued interest. In similarly situated matters when 75% of the amount was deposited by the Acquiring Body, the coordinate bench permitted the claimants to receive the amount deposited with accrued interest on furnishing undertaking. I propose to follow the same course.
3. The Civil Application is allowed permitting the applicants to receive the amount deposited by the Acquiring Body with accrued interest on furnishing undertaking. The amount deposited in this Court shall be transmitted to the Reference Court (Civil Judge Senior Division, Dharashiv).

Needless to mention that the undertaking shall be furnished to the sanctification of the Reference Court (Civil Judge Senior Division, Dharashiv).

CIVIL APPLICATION FOR CONDONATION OF DELAY

4. The applicant-Acquiring Body seeks to condone the delay of 422 days. The condonation of delay has repercussion of public exchequer. The averments are not controverted by the respondent-claimant.

5. The delay stands condoned. The Civil Application is disposed of.

FIRST APPEAL (STAMP)

6. **Admit.** Learned counsel Patil waives service for the claimants. Learned A.G.P waives service for the State.

7. Call record and proceedings.

8. Print is dispensed with.

CIVIL APPLICATION FOR STAY

9. As the entire amount is deposited in pursuance of the order of this Court, *ad interim* relief granted earlier shall stand confirmed.

10. The Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-