



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

**CIVIL APPLICATION NO. 6522 OF 2025
IN
CIVIL APPLICATION NO. 5485 OF 2025
IN
FIRST APPEAL NO. 798 OF 2022**

Ramrao Narayan Patil and others .. Applicants

Versus

The Executive Engineer, Laghu
Patbhandare Vibhag, Jalgaon and others.. Respondents

Shri Vinod P. Patil, Advocate for the Applicant.

Shri Chetan T. Jadhav, Advocate for the Respondent Nos. 1 and 2.

Shri S. V. Hange, A.G.P. for the Respondent Nos. 3 and 4.

CORAM : SHAILESH P. BRAHME, J.

DATE : 07TH NOVEMBER, 2025.

FINAL ORDER :

. Learned counsel applicant tenders on record affidavit of Mr. Bhaskar Baburao Patil, Mr. Sunil Namdev Patil and Mr. Bhimrao Narayan Patil stating no objection for disbursing amount to the applicant No. 1 Ramrao Narayan. Patil.

2. Applicants seek direction to disburse the amount to the applicant No. 1 – Ramrao Narayan Patil instead of disbursing the same to all applicants.

3. Learned counsel Mr. Vinod Patil for the applicants submits that there is settlement amongst the applicants and applicant No. 1 is entitled to receive the amount. He has referred to proceedings of R. D. No. 154 of 2021, which was pending before the Civil Judge Senior Division, Jalgaon to show that applicant Nos. 2 to 4 have given up their claim and they have agreed that only applicant No. 1 – Ramrao Narayan Patil is entitled to receive entire amount of compensation. It is submitted that in pursuance of the order dated 08.05.2025, the applicants are entitled to receive 50% of the amount with accrued interest on furnishing undertaking and 25% of the amount with accrued interest on furnishing solvent surety/security.

4. Learned counsel Mr. Chetan Jadhav appearing for the respondent – Acquiring Body submits that it would be at the risk of the applicants to disburse the amount to the applicant No. 1.

5. It reveals from record that R. D. No. 154 of 2021 was filed jointly by all the applicants. Application Exhibit 10 was filed for transposing the applicant Nos. 2 to 4 as judgment debtors, which was allowed by the order dated 13.06.2024 by the Executing Court. Accordingly they were transposed. They submitted say in the execution proceedings consenting that amount be disbursed to the applicant No. 1. Applicant No. 1 was disbursed with initial amount also. Besides that today they have filed three affidavits on record giving up their claim and showing no objection for disbursing the amount to the applicant No. 1.

6. In view of the clinching material on record, I find that it is desirable to disburse the amount to the applicant No. 1 only. The civil application is allowed in terms of prayer clause 'B'. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/Nov. 25