

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

50 CIVIL APPLICATION NO. 12494 OF 2025
IN FAST/18520/2024
WITH
CIVIL APPLICATION NO. 9061 OF 2024
IN FAST/18520/2024
WITH
CIVIL APPLICATION NO. 9062 OF 2024
IN FAST/18520/2024

SAKHARAM SAMBHAJI HAKE DIED THROUGH HIS LR MANIK SAKAHRAM
HAKE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AT
OSMANABAD

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Advocate for Applicant : Mr. Madhav Jadhav h/r Mr. More Abhijit S.
AGP for Respondent nos. 1 & 2 : Mrs. M.N. Ghanekar
Advocate for Respondent No. 3 : Mr. R.R. Kale h/f Mr. Gulab B. Rajale

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CORAM : SHAILESH P BRAHME, J.

DATE : 20.11.2025

PER COURT :

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT :

Heard both sides.

2. The applicants seek to withdraw the entire amount of compensation awarded by the Reference Court. Reliance is placed on order passed by coordinate bench on 13.10.2025, permitting the applicant to receive the amount. On the ground of parity, the applicants are entitled to receive the amount deposited by the Acquiring Body.

3. The Civil Application is partly allowed, permitting the applicants to receive 75% of the amount with accrued interest on furnishing undertaking

and 25% of the amount on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

APPLICATION FOR DELAY CONDONATION

4. The applicant-Acquiring Body seeks to condone delay of 704 days in preferring the appeal.
5. For the reasons stated in the application, it is desirable to condone the delay. There are no *mala fides* on the part of the applicant in preferring the appeal belatedly.
6. The delay stands condoned. Civil Application is disposed of.

FIRST APPEAL

7. Admit. Learned advocate Mr. Jadhav h/r Mr. More learned counsel for respondent-Claimant waives service. Learned A.G.P. waives service for respondents/State
8. Call for record and proceedings.
9. Print is dispensed with.

APPLICATION FOR STAY

10. As the entire amount is deposited, ad interim relief granted earlier shall stand confirmed.
11. The Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-