



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO. 4257 OF 2025
IN FAST/20433/2022

Dhondiram S/o Pandharinath WagheleApplicant

VERSUS

The State of Maharashtra and Anr.Respondents

.....

Mr. Patil Laxmikant C, Advocate for Applicant
Mr. R. B. Dhaware, AGP for Respondent Nos.1 and 3 - State
Mr. M. C. Swani, Advocate for Respondent No.2

.....

AND

CIVIL APPLICATION NO. 8571 OF 2023
IN FAST/20433/2022

The Ex. Engineer, Minor Irrigation Div.
Osmanabad Thr G.m.i.d.c., AurangabadApplicant

VERSUS

Dhondiram Pandharinath Waghele And Ors.Respondents

....

Mr. M. C. Swami, Advocate for the Applicant
Mr. L. C. Patil, Advocate for Respondent No.1
Mr. R. B. Dhaware, AGP for Respondent Nos.2 and 3

....

AND

CIVIL APPLICATION NO. 8573 OF 2023
IN FAST/20428/2022

The Ex. Engineer, Minor Irrigation Div. Osmanabad
Thr G.m.i.d.c, AurangabadApplicant

VERSUS

Devrao Sakharam Bites And Ors.Respondents

.....

Mr. Swami Mahesh Chandrashekhar, Advocate for Applicant
Mr. R. B. Dhware, AGP for the Respondents - State

.....

CORAM : NEERAJ P. DHOTE, J.
DATE : 17.04.2025

PER COURT :

[I] ORDER IN CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT :-

1. This is an Application filed by the Original Claimant for withdrawal of the amount deposited by the Acquiring Body in this Court.

2. It is submitted by the learned Advocate for the Applicant that, the Acquiring Body has deposited the entire amount under the Award in this Court and similarly placed Claimants are permitted by this Court to withdraw 75% amount on furnishing usual undertaking by order dated 02/03/2023, in group of Civil Applications one of which is Civil Application No.2248/2023. He submits that, similar order be passed in the Application.

3. The Application is opposed by the learned Advocate for Respondent No.2 - Acquiring Body. He submits that, the enhancement granted in those matters was six [6] times and the enhancement granted by the Reference Court in the case in hand is nine [9] times of the compensation awarded by SLAO and, therefore, the Applicants shall be asked to furnish security. He submits that, the Application be rejected.

4. The learned AGP appears for Respondent Nos.1 and 3 and submits that, appropriate orders be passed in the Application.

5. There is no dispute that, this Court by the aforesaid order in the aforesaid Civil Applications have permitted the Applicants / Claimants therein to withdraw 75% amount on furnishing usual undertaking. The only controversy is in respect of quantum of enhancement. Hence, I see no impediment to permit the Applicants to withdraw 75% amount deposited by the Acquiring

Body along with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar [Judicial] of this Court. The remaining amount deposited by the Acquiring Body be kept in FDR in any Nationalized Bank on yearly renewal basis till final disposal of the Appeal.

6. Civil Application stands disposed off accordingly.

[II] ORDER IN CIVIL APPLICATION NO.8571/2023 :

1. This is an Application for condonation of 2187 days delay preferred by the Acquiring Body in preferring the First Appeal against the Judgment and Award passed by the learned Reference Court.

2. Heard the learned Advocate for the Applicants, learned Advocate for Respondent No.1 and the learned AGP for the Respondents – State.

3. It is brought to notice of this Court that, this Court in connected matters by order dated 02/03/2023 passed in group of Applications one of which is Civil Application No.2248/2023, has condoned the delay without any costs. No objection is given by the learned Advocate for the Claimants. For the reasons mentioned in the Application and to maintain the parity, the Application is allowed in terms of Prayer Clause - 'B'. Civil Application stands disposed off accordingly.

[III] ORDER IN CIVIL APPLICATION NO.8573/2023 :-

1. This is an Application for condonation of 2187 days delay preferred by the Acquiring Body in preferring the First Appeal

against the Judgment and Award passed by the learned Reference Court.

2. Heard the learned Advocate for the Applicants and the learned AGP for the Respondents – State.

3. None for Respondent No.1 though served.

4. It is brought to notice of this Court that, this Court in connected matters by order dated 02/03/2023 passed in group of Application one of which is Civil Application No.2248/2023 has condoned the delay without any costs. No objection is given by the learned Advocate for the Claimants. For the reasons mentioned in the Application and to maintain the parity, the Application is allowed in terms of Prayer Clause - 'B'. Civil Application stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/April-2025