



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

967 CIVIL APPLICATION NO. 5927 OF 2025
IN FA/734/2024

PANDURANG @ PANDHARI TUKARAM BHOSALE DIED THR
LRS PRALHAD DIED THR LRS KANTA AND ORS

VERSUS

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIVISION OMERGA DIST OSMANABAD
AND ORS

WITH CIVIL APPLICATION NO. 7411 OF 2025
IN FA/734/2024 WITH CIVIL APPLICATION NO. 7410 OF
2025 IN FA/734/2024 WITH CIVIL APPLICATION NO. 12616
OF 2023 IN FA/734/2024

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Advocate for Applicants : Mr. Apparao Prakash Yenegure.

AGP for Respondent/s-State : Mr. B. A. Shinde.

Advocate for Respondent No.1 : Mr. Rahul A. Tambe

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CORAM : SHAILESH P. BRAHME, J.

DATE : 20.08.2025

PER COURT :-

1. Heard respective parties.
2. These applications are for condonation of delay, setting aside abatement and bringing legal heirs of respondents Sham Bhosale and Pralhad Bhosale on record. The cause of action survived against heirs of deceased respondents. They are necessary parties.

3. Both civil applications are allowed in terms of prayer clauses “B” and “C”.

Civil Application for Withdrawal

4. Heard both sides.

5. Applicants are praying for disbursement of amount of Rs.48,58,523/- deposited by the respondent/acquiring body with accrued interest.

6. Learned counsel Mr. Tambe appearing for acquiring body opposes the application.

7. After considering the rival submissions of the parties, I am of the considered view that applicants are entitled to receive 75% of the amount deposited by the respondent.

8. Civil application for withdrawal is partly allowed permitting the applicants to receive 75% of the amount with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

9. Balance amount shall be invested in Nationalized Bank.

10. The amount payable to the applicants shall be credited to saving account No.68007329534 of Bank of Maharashtra, Barshi Road, MIDC, Latur.

In First Appeal.

11. **Admit.**

12. Learned counsel Mr. Yenegure waives service of notice for respondent Nos.1 to 4/claimants. Learned AGP waives service of notice for respondents/State Authorities.

13. Call for Record and Proceedings from the concerned Court if not called for.

In Civil Application for Stay

14. As the entire amount is deposited in pursuance of the order, ad-interim relief granted earlier shall stand confirmed.

15. Civil application is disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-