

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

937 CIVIL APPLICATION NO. 12396 OF 2025
IN FAST/21379/2020

Gopal Ramrao Yamgar (died) Thr Lrs Sanjay And Ors

VERSUS

G.m.i.d.c., Aurangabad Thr Its Ex. Engineer, Osmanabad Minor Irri. Div.
Osmanabad And Ors.

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Mr. Mukund Shankarrao Patil - Advocate for Applicants

Mr. B. A. Shinde - AGP for State

Mr. Madhav P. Gude – Advocate for Respondent No. 1

...

WITH

CIVIL APPLICATION NO. 3519 OF 2023 IN FAST/21379/2020

CIVIL APPLICATION NO. 3520 OF 2023 IN FAST/21379/2020

...

CORAM : NEERAJ P DHOTE, J.

DATED : 14TH NOVEMBER, 2025

PER COURT : -

CIVIL APPLICATION NO. 12396 OF 2025: -

1. Heard the learned Advocate for the Applicants/Original Claimants, the learned Advocate for the Acquiring Body and the learned AGP for the State.

2. This is an Application for withdrawal of the entire amount deposited by the Acquiring Body in the Appeal.

3. This Court in connected Appeals bearing First Appeal [St] No. 13494 of 2023 and First Appeal [St] No. 13491 of 2023, by order

dated 28th February, 2025 in Civil Applications No. 2407 and 2408 of 2025, allowed the similarly placed Claimants to withdraw 75% amount deposited by the Acquiring Body, out of which 50% was allowed to be withdrawn on furnishing usual undertaking and 25% on furnishing solvent surety/security.

4. Considering the above aspect, the Application can be allowed in terms of the said order dated 28th February, 2025. Hence, the following order is passed: -

ORDER

- [i] The Application is partly allowed.
- [ii] The Applicants are permitted to withdraw 75% amount deposited by the Acquiring Body with accrued interest. 50% of 75% amount is allowed to be withdrawn on furnishing usual undertaking, and remaining 25% on furnishing solvent security/surety.
- [iii] Application is accordingly disposed off.

CIVIL APPLICATION NO. 3519 OF 2023: -

1. This is an Application for condonation of 2057 days delay in preferring the Appeal by the Acquiring Body against the Judgment and Award by the Reference Court.
2. Heard learned Advocate for the Applicant.

3. Issue notice to the Respondents. Learned Advocate Mr. Mukund Patil waives service of notice for Respondent Nos. 1A to 1C and learned AGP waives service of notice for Respondent Nos. 2 and 3.
4. For the reasons mentioned in the Application, same is allowed in terms of prayer clause 'B' thereof.

FIRST APPEAL [ST] NO. 21379 of 2020:-

1. This Appeal is filed by the Acquiring Body.
2. Heard. **Admit.**
3. Issue notice to the Respondents. Learned Advocate Mr. Mukund Patil waives service of notice for Respondent Nos. 1A to 1C and learned AGP waives service of notice for Respondent Nos. 2 and 3.
4. Call for Record and Proceedings with Paper-book.

CIVIL APPLICATION NO. 3520 OF 2023: -

1. This is an Application for Stay by the Acquiring Body.
2. This Court by order dated 27th April, 2023, granted stay to the impugned Judgment and Order subject to deposit of entire amount under the Award along with interest.
3. The Acquiring Body has deposited the entire amount under the Award along with interest.

4. Hence, the interim relief granted by order dated 27th April, 2023 is made absolute.

5. Application stands disposed off.

[NEERAJ P. DHOTE]
JUDGE

SG Punde