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15-CA-3095-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 CIVIL APPLICATION NO. 3095 OF 2024
IN FA/1710/2012

Baswantrao Iranna Patil Died Thr Lrs Kalawatibai Baswantrao Patil And
Ors

VERSUS

The State Of Maharashtra Through District Collector, Nanded And Ors.
WITH

CIVIL APPLICATION NO. 3094 OF 2024
IN FA/1710/2012

WITH

CIVIL APPLICATION NO. 7768 OF 2012
IN FA/1710/2012

WITH

CIVIL APPLICATION NO.7252 OF 2025 (Not on board)
WITH

CIVIL APPLICATION NO.7253 OF 2025 (Not on board)
IN FA/1710/2012

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Mr. Sameer S. Kurundkar h/f Mr. Sunil V. Kurundkar, Advocate for
Applicants.

Mr. S. B. Jadhav, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 16th JULY 2025

PC :-

CA/3094/2024

1. Heard learned Advocate for the applicant and learned APP for
Respondent-State.
2. This application is filed for bringing on record the legal heirs of

deceased Baswantrao S/o. Irranna patil, who died on 26th December 2022. There is delay in filing the application.

3. For the reasons stated in the application, delay stands condoned. Application is allowed.

4. The present applicants who are legal heirs of deceased are directed to be brought on record by amending clause title within three weeks from today.

5. Application stands disposed off.

CA/7252/2025 & CA/7253/2025

6. Both these applications are presented in the Court. Since the similar applications are already on board i.e. CA/3094/2024, this Court has already passed an order on Civil Application No.3094/2024. In view of the same, this Court allowed both the applications. Application for condonation of delay stands allowed. Application for legal heirs is also allowed. Necessary amendment be carried out within three weeks from today. Both applications stands disposed off.

CA/3095/2024

7. This civil application is filed for modification of order dated 23rd

November 2012.

8. This Court by way of said order, had allowed the applicants to withdraw 20% of the amount deposited in this Court on submitting undertaking. 20% of the amount was allowed on furnishing solvent surety/security. Further 20% of the amount was allowed on furnishing bank guarantee. The remaining amount was directed to be kept in fixed deposit in any nationalized bank. They are not in a position to furnish security and bank guarantee. It is, therefore, prayed that by modifying order, the applicant be permitted to withdraw the amount on furnishing undertaking. It is submitted that arising out of same land acquisition proceeding in First Appeal (ST) No.21528/2018, this Court has permitted the applicant therein to withdraw 50% of the amount deposited in this Court on furnishing usual undertaking and 25% on furnishing solvent surety/security. The learned Advocate thus prays that similar order be passed in the present application.

9. The applicants are permitted to withdraw 40% of the amount deposited in this court alongwith accrued interest on furnishing usual undertaking.

10. Further 20% of the amount be withdrawn alongwith accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
11. Remaining amount be kept in Fixed Deposit of any nationalized bank, till final disposal of the appeal.
12. Order dated 23rd November 2012 stands modified to above extent.
13. With this, civil application stands disposed off.

[KISHORE C. SANT, J.]