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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 CIVIL APPLICATION NO. 10926 OF 2025
IN FA/1478/2021
(for bringing LR's on record)

WITH CIVIL APPLICATION NO. 10927 OF 2025
IN FA/1478/2021
(for withdrawal of amount)

BHAIRU NIVARATTI DAREKAR DIED THROUGH LRS ANITA AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

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Advocate for Applicants : Mr. Laxmikant C. Patil
AGP for Respondent Nos. 1 and 2 : Mr. V. S. Badakh
Advocate for Respondent No.3 : Mr. S. P. Nimbalkar h/f Mr. R. A.
Tambe

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WITH CIVIL APPLICATION NO. 7736 OF 2021 IN FA/1478/2021
(for stay)
WITH FIRST APPEAL NO. 1478 OF 2021

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIV. OMERGA, DIST OSMANABAD AND OTHERS
VERSUS
BHAIRU NIVARATTI DAREKAR

...

Advocate for Applicant No. 1 : Mr. S. P. Nimbalkar h/f Mr. R. A.
Tambe
AGP for Applicant Nos. 2 & 3 : Mr. V. S. Badakh
Advocate for Respondent : Mr. Laxmikant C. Patil

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CORAM : ABHAY S. WAGHWASE, J.
DATED : 03 OCTOBER 2025

PER COURT :-**CIVIL APPLICATION NO. 10926 OF 2025**

1. This is an application for bringing on record the legal representatives of deceased claimant Bhairu Nivaratti Darekar, who is the respondent in the First Appeal. Copy of death certificate is annexed at Exhibit "A", which shows date of death as 03.07.2020. There is said to be delay of 1159 days in preferring the present application.

2. For the reasons mentioned in the application, the same stands allowed in terms of prayer clauses "B" and "C". The application is accordingly disposed off.

CIVIL APPLICATION NO. 10927 OF 2025

3. This Civil Application is filed by the legal representatives of the deceased claimant-respondent in First appeal, praying therein to withdraw the entire amount of compensation deposited by the acquiring body in this Court, along with accrued interest thereon.

4. Mr. Patil, learned counsel for the applicant placed on record an order dated 10.09.2025 passed in Civil Application No. 6711 of 2025 in FA/4180/2023 (copy of said order is taken on record and marked as "X" for identification). Mr. Patil submits that the order referred (supra) arises out of the same land acquisition proceedings and same award which is subject matter of the present appeal. He therefore urges for similar order in the present Civil Application.

5. Mr. S. P. Nimbalkar h/f Mr. R. A. Tambe, learned counsel for the acquiring body agrees with the submissions made by Mr. Patil.

6. In view of the above, following order is passed :

ORDER

- I. The application is partly allowed.
- II. The applicants are permitted to withdraw 75% of the amount deposited in this Court along with accrued interest thereon, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- III. Balance 25% amount of compensation with accrued interest thereon be invested in fixed deposit in any Nationalized bank for a fixed term to be renewed till pendency of the appeal.
- IV. The Application is accordingly disposed off.

CIVIL APPLICATION NO. 7736 OF 2021

7. Learned counsel for the applicant-acquiring body submits that, pursuant to the stay granted by this Court against the execution and operation of the judgment and award impugned in the present appeal, the applicant/acquiring body has deposited the entire payable award amount in this Court.

8. In view of this, the stay granted earlier is made absolute.

9. The Civil Application is allowed in terms of prayer clause "B" and is disposed off accordingly.

FIRST APPEAL NO. 1478 OF 2021

10. Admit.

11. Mr. Patil, learned counsel waives service of notice for the respondent.

[ABHAY S. WAGHWASE, J.]

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