



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

60 CIVIL APPLICATION NO. 10945 OF 2023
IN FAST/23645/2023
WITH
CIVIL APPLICATION NO. 11670 OF 2025
IN FAST/23652/2023
WITH
CIVIL APPLICATION NO. 10947 OF 2023
IN FAST/23652/2023
WITH
CIVIL APPLICATION NO. 10948 OF 2023
IN FAST/23652/2023
WITH
CIVIL APPLICATION NO. 11672 OF 2025
IN FAST/23645/2023
WITH
CIVIL APPLICATION NO. 10946 OF 2023
IN FAST/23645/2023

THE EX. ENGINEER, M.I.D., OSMANABAD THR G.M.I.D.C., AURANGABAD
VERSUS
PANDHARI BABU KHADE AND ORS

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Advocate for Acquiring Body : Mrs. Vaishali S. Swami h/f Mr. Swami Mahesh
Chandrashekhar

AGP for State : Mrs. M.N. Ghanekar

Advocate for Claimants : Mr. R.V. Naiknaware

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CORAM : SHAILESH P. BRAHME, J.

DATE : 08.12.2025

PER COURT :

CIVIL APPLICATIONS FOR CONDONATION OF DELAY

Heard both sides.

2. The applicant-Acquiring Body seeks condonation of delay of 1953 days and 2329 days in respective appeals.

3. The averments in the applications have not been controverted by the respondents/claimants. There is no reason to infer any *mala fides* on the part of the acquiring body.

4. The delay stands condoned. The Civil Applications are disposed of.

FIRST APPEAL (STAMPS)

5. **Admt.** Learned counsel Mr. Naiknawre waives service for the claimants. Learned A.G.P waives service for the State.

6. Call for record and proceedings.

7. Print is dispensed with.

CIVIL APPLICATIONS FOR STAY

8. As the entire amount has been deposited, ad interim relief granted earlier shall stand confirmed.

9. The civil applications are disposed of.

CIVIL APPLICATIONS FOR WITHDRAWAL OF AMOUNT

10. The Acquiring Body has deposited Rs. 19,99,329/- (in CA No. 10945/2023 in FAST/23645/2023) and Rs. 25,70,782/- (in CA No. 10947/2023 in FAST/23652/2023) in respective appeals, which are sought to be withdrawn by the claimants by preferring separate applications.

11. The applications are contested by the Acquiring Body. It is contended that the enhancement given by the reference Court is more than six times.

12. The Acquiring Body has deposited entire compensation with accrued interest. Considering the enhancement granted by the reference Court I deem it appropriate to permit the applicants to receive 75% of the amount of compensation with accrued interest on certain conditions.

13. The Civil Applications are partly allowed permitting the applicants to receive 50% of the amount of compensation with accrued interest on furnishing undertaking and further 25% of the amount of compensation with accrued interest on furnishing surety/security to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank.

14. The Civil Applications are disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-