



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 CIVIL APPLICATION NO. 9509 OF 2024
IN FA/959/2025

VISHWANATH DEEPGIR BABA (BUWA) DIED THR LRS
KANUBAI VISHWANATH GIRI AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR. COLLECTOR
OSMANABAD AND ORS

WITH CIVIL APPLICATION NO. 9510 OF 2024
IN FA/959/2025

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Advocate for Applicants : Adv. S. A. Kale h/f Mr. Kale Ajeet B.
AGP for Respondent/s-State : Mrs. M. N. Ghanekar.
Advocate for Respondent No.3 : Mr. Avishkar S. Shelke.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 04.11.2025

PER COURT :-

Civil Application No.9510 of 2024 (Delay)

1. Applicants seek to condone delay of 813 days, setting aside abatement and bringing legal heirs of deceased/applicant Vishwanath Deepgir Baba (Buwa).
2. The sole claimant died and his legal heirs have preferred present application. The respondent/acquiring body has preferred first appeal. The present application should have been filed by the acquiring body. The cause of action survives against legal heirs of applicant. They are necessary parties. It

is desirable to condone the delay as I do not find any malafides. The delay needs to be condoned.

3. Civil application is allowed in terms of prayer clauses “B” and “C”.

4. Leave to amend prayer clause. Amendment be carried out forthwith.

5. Both parties shall be at liberty to carry out necessary amendment.

Civil Application for withdrawal

6. Applicants seek to withdraw Rs.8,14,211/- deposited by respondent/acquiring body.

7. It is submitted by learned counsel for the applicants that in similarly situated matters, the Co-ordinate Bench permitted to withdraw the amount deposited by respondent/acquiring body on furnishing undertaking. Once such a order dated 26.04.2024 is placed on record, there is no difficulty in adopting the same course.

8. Civil application is allowed partly.

9. Applicants shall receive the amount with accrued interest deposited by respondent/acquiring body on furnishing undertaking to the satisfaction of the Registrar (Judicial).

(SHAILESH P. BRAHME, J.)

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vmk/-