



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

965 CIVIL APPLICATION NO. 9304 OF 2025
IN FAST/23619/2024

PANDHARINATH VAIJNATH JADHAV DIED THROUGH HIS
LRS BHAGIRATHI AND ORS

VERSUS

THE EXECUTIVE ENGINEER AND ORS

WITH CIVIL APPLICATION NO. 11532 OF 2024
IN FAST/23619/2024 WITH CIVIL APPLICATION NO. 11531
OF 2024 IN FAST/23619/2024

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Advocate for Applicants : Mr. Vivekanand V. Ingale.

AGP for Respondents-State : Mr. B. A. Shinde.

Advocate for Respondent No.1 : Mr. Rahul A. Tambe (Through
V. C.).

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CORAM : SHAILESH P. BRAHME, J.

DATE : 26.08.2025

PER COURT :-

1. Heard both sides.
2. Applicants seek to withdraw Rs.23,84,715/- deposited by the respondent/acquiring body. Both the parties are unanimous that in similarly situated matters, claimants are permitted to receive 50% amount on furnishing undertaking and balance 25% on furnishing solvent surety/security. I propose to follow the same course.

3. Civil application for withdrawal of amount is partly allowed permitting the applicants to receive 50% amount on furnishing undertaking to the satisfaction of the Registrar (Judicial) and balance 25% amount on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

4. Balance amount shall be invested in Nationalize Bank.

In First Appeal

5. **Admit.**

6. Learned AGP waives service of notice for respondents/State Authorities. Learned counsel Mr. Ingale waives service of notice for respondents/claimants.

7. Call for Record and Proceedings from the concerned Court if not called.

Civil Application for Stay

8. As entire amount is deposited, ad-interim relief shall stand confirmed.

9. Civil application for stay is disposed of.

Civil Application for Delay

10. For the reasons stated in the application, delay stands condoned.

11. Civil application for delay is disposed of.

12. Leave is granted to both the parties to carry out amendment as already amendment is permitted by order dated 10.03.2025.

13. Parties shall not be permitted to disburse the amount unless the amendment is carried out.

(SHAILESH P. BRAHME, J.)

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vmk/-