



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 10025 OF 2025
IN FAST/22199/2023**

Prayagabai Nana Kanade Died Thr Lrs Punjaram And Ors

VERSUS

The Executive Engineer, Minor Irrigation Div. No. 1,
Aurangabad

...

Mr. N. J. Pahune-Patil, Advocate for Applicants

Mr. S. S. Dande, AGP for Respondents-State

Mr. A. N. Gaddime, Advocate for Respondent no.1

...

WITH

**CIVIL APPLICATION NO. 13190 OF 2023
IN FAST/22199/2023**

WITH

**CIVIL APPLICATION NO. 13191 OF 2023
IN FAST/22199/2023**

.....

CORAM : AJIT B. KADETHANKAR.

DATED : 20TH SEPTEMBER, 2025

ORDER :-

CIVIL APPLICATION NO. 10025 OF 2025 IN FAST/22199/2023

1. Feeling aggrieved by the judgment and award dated 23.03.2022, passed by the learned Civil Judge Senior Division, Vaijapur in L.A.R. No.678 of 2010, Acquiring Body has lodged the present First Appeal.

2. While seeking stay to the execution and operation of the impugned judgment and award, the Acquiring Body/appellant

has deposited entire amount together with accrued interest in this Court. Present is the Civil Application filed by the claimants seeking permission to withdraw the deposited amount.

3. The appellant submits that the appeal is based on good grounds. The learned Reference Court has granted exorbitant enhancement in the compensation. Appellant has very strong hopes of success in the appeal and hence the appeal is filed with an object to get the impugned judgment and award modified.

4. Mr. N. J. Pahune-Patil, learned Advocate for the applicant praying for release of the deposited amount placed reliance on an order dated 18.04.2023, passed by this Court in Civil Application No.5008 of 2023 in First Appeal No.3350 of 2021 with connected matters. He further submits that in the cited matter, this Court has granted withdrawal of 90 percent of the deposited amount together with interest to the applicants therein. Mr. Pahune-Patil placing reliance on the cited order submits that the land acquisition proceeding and land acquisition notification/award which is subject matter of the cited application and appeal is the same one which is

subject matter of present appeal and application. He further submits that the objection raised by the Acquiring Body in the cited matter is also the same which is raised in the present appeal.

5. In view of this, on the principle of parity, Mr. N. J. Pahune-Patil seeks withdrawal of 90 percent amount of the deposit made by the Acquiring Body in this Court.

6. Learned Advocate Mr. A. N. Gaddime, appearing for respondent no.1 fairly submits that the cited matter and present matter arise out of the same land acquisition proceeding and notification/award.

7. In view of the order dated 18.04.2023 (supra), learned Advocate for the respondent places no objection for withdrawal of 90 percent of the deposit provided that the claimants furnish usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

8. In view of this, I pass following order:

ORDER

- a. Civil Application stands partly allowed.
- b. The applicants are permitted to withdraw 90 percent of the amount deposited by the Acquiring Body in this Court on furnishing usual

undertaking to the satisfaction of Registrar (Judicial) of this Court.

c. Needless to mention, the withdrawal shall carry interest accrued thereon till withdrawal.

d. In terms of this, Civil Application stands disposed of.

CIVIL APPLICATION NO. 13190 OF 2023 IN FAST/22199/2023 (DELAY)

. This Civil Application is filed seeking condonation of delay of 384 days in lodging the First Appeal.

2. Mr. A. N. Gaddime, learned Advocate for the applicant submits that the delay is not an outcome of any lethargy or negligence nor it is deliberate attempt to protract any legal proceeding. He submits that the delay is purely an outcome of administrative exigency.

3. Mr. N. J. Pahune Patil, learned Advocate for respondents/claimants fairly places his no objection for condonation of the delay.

4. In view of this, I pass following order:

ORDER

a. Civil Application stands allowed.

b. Delay caused in filing First Appeal is condoned.

c. First Appeal be registered, subject to removal of all office objections by the appellants/applicants, if any, within two weeks from today.

FIRST APPEAL ST. NO.22199 OF 2023

. Issue notice to the respondents. Mr. N. J. Pahune Patil waives service of notice for respondent nos.1A to 1C.

2. Admit.

3. Call Record and Proceeding.

4. Print and paper book dispensed with.

5. The parties to move to the Registry for clubbing the matter with First Appeal No.3350 of 2021.

(AJIT B. KADETHANKAR, J.)