



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

**969 CIVIL APPLICATION NO. 10827 OF 2025
IN FA/669/2023**

BHIMRAO EKNATH GAIKWAD DIED THROUGH LRS SMT. SHILABAI AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR OSMANABAD
AND OTHERS

**WITH
CIVIL APPLICATION NO. 6706 OF 2018
IN FA/669/2023**

EXECUTIVE ENGINEER, IRRIGATION PROJECT MAJBUTIKARAN DIVISION,
OMERGA THR M.K.V.D.C. PUNE AND ORS

VERSUS
BHIMRAO EKNATH GAIKWAD

**WITH
CIVIL APPLICATION NO. 10828 OF 2025
IN FA/669/2023**

BHIMRAO EKNATH GAIKWAD DIED THROUGH LRS SMT. SHILABAI AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, OSMANABAD
AND OTHERS

Mr.L.C. Patil, Advocate for the applicant-claimant.

Mr.S.G. Bhalerao, Advocate for the appellant-acquiring body.

Ms.Chaitali Choudhari Kutti, AGP for the State.

**CORAM : KISHORE C. SANT, J.
DATE : 30.09.2025**

PC :-

CIVIL APPLICATION NO. 10828 OF 2025 IN FA/669/2023

01. This Civil Application is filed for bringing legal representatives of deceased Bhimrao Eknath Gaikwad – original claimant/respondent in

the appeal. Bhimrao died on 09.01.2024. There is delay caused in filing the present application. The applicants are legal representatives of deceased Bhimrao. Death Certificate and a certificate is issued by the Sarpanch, Grampanchayat, Dalimb, Tal. Umerga, Dist. Osmanabad, showing that the applicants are legal representatives on his record.

02. For the reasons stated in the application, the delay stands condoned. The application is allowed. The legal representatives be shown in the cause title by amending the cause title of appeal as well as civil applications within two weeks from today.

CIVIL APPLICATION NO. 10827 OF 2025 IN FA/669/2023

01. This Civil Application is filed by the claimants for withdrawal of amount deposited by the Acquiring Body in this Court. The learned Advocate for the applicants relies upon an order dated 20.08.2025 passed by this Court in Civil Application No. 5918 of 2025 in FA No. 667/2023 with connected matters. In the said application, this Court allowed the applicants/claimants to withdraw 50% of the amount on furnishing usual undertaking, 25% of the amount is allowed to be withdrawn on furnishing solvent surety/security. This matter is arising out of same acquisition proceeding.

02. Learned Advocate Mr. Bhalerao vehemently opposes the application.

03. However, since this Court has already allowed similar

applications, following order is passed :-

- i) This Civil Application for withdrawal of amount is allowed.
- ii) The applicants are allowed to withdraw 50% of the amount along with accrued interest on furnishing usual undertaking. 25% of the amount with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court. Balance amount shall be invested in fixed deposit of any nationalized bank to be renewed from time to time till disposal of the appeal.

CIVIL APPLICATION NO. 6706 OF 2018 IN FA/669/2023

01. The applicant-Acquiring Body-appellant has already deposited entire amount of compensation in the office of this Court along with interest.
02. There shall be stay to the impugned judgment and award till disposal of the appeal.
03. This Civil Application is accordingly allowed and stands disposed off.

FIRST APPEAL NO. 669 OF 2023

01. Heard.

02. Admit.

03. Learned Advocate Mr. L.C. Patil waives service of notice for the respondents-claimants.

[KISHORE C. SANT, J.]