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909-CA-10262-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO. 10262 OF 2025
IN FAST/25851/2023

Prabhu S/o Mahadu Dalve Died His Lrs Kashinath S/o Prabhu Dalve And
Ors

VERSUS

The State Of Maharashtra, Through The Collector Osmanabad And Ors.

WITH

CIVIL APPLICATION NO. 11588 OF 2023
IN FAST/25851/2023

WITH

CIVIL APPLICATION NO. 11589 OF 2023
IN FAST/25851/2023

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Mr. Laxmikant C. Patil, Advocate for Applicant.

Mr. Sunil P. Sonpawale, Advocate for respondent No.3.

Smt. R. R. Tandale, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 17th OCTOBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This application is filed for condonation of delay of 290 days caused in filing the first appeal.
3. For the reasons stated in the application, delay stands condoned.

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Application is allowed. Office to register first appeal.

4. With this, civil application stands disposed off.

WITHDRAWAL

5. Heard the learned Advocates for the parties.

6. This application is filed for withdrawal of the amount deposited by the Appellant-Acquiring Body in the office of this Court.

7. The learned Advocate for the applicant relies upon the order dated 25th September 2025 passed by this Court in Civil Application No. 10507/2025 in FAST/27881/2023 in which this Court was pleased to allow the applicants therein to withdraw 75% of the amount on certain conditions.

8. In view of the above, following order:-

ORDER

(i) Civil Application stands allowed.

(ii) The applicants are permitted to withdraw 50% of the amount deposited in the office of this Court alongwith accrued interest on furnishing usual undertaking.

(iii) Further 25% of the amount alongwith accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

(iv) With this, civil application stands disposed off.

STAY APPLICATION

9. This application is filed for stay to the impugned judgment and award.

10. Since the Appellant-Acquiring Body has deposited the entire amount of compensation in the office of this Court as per impugned judgment and award, there shall be stay to the impugned judgment and award till final disposal of the first appeal.

11. With this, civil application stands disposed off.

FIRST APPEAL

12. Heard.

13. Issue notice to the Respondents, returnable on 9th January 2026.

14. Call for record and proceedings.

15. Learned Advocate Mr. Patil waives service of notice for Respondents-original claimants.

16. Parties are put to notice that if time permits this Court may take up the appeal for final disposal at the stage of admission on receipt of record and proceedings.

[KISHORE C. SANT, J.]