



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

**905 CIVIL APPLICATION NO. 11013 OF 2025
IN FA/998/2018**

RAOSAHEB GOVIND SHERKAR DIED THR LRS KALINDABAI
AND ORS
VERSUS
THE EXECUTIVE ENGINEER IRRIGATION DIV, OSMANABAD
AND ORS

WITH CIVIL APPLICATION NO. 5112 OF 2019 IN
FA/1000/2018 WITH FIRST APPEAL NO. 998 OF 2018 WITH
FIRST APPEAL NO. 996 OF 2018 WITH FIRST APPEAL NO.
1002 OF 2018 WITH FIRST APPEAL NO. 999 OF 2018 WITH
FIRST APPEAL NO. 994 OF 2018 WITH FIRST APPEAL NO.
1001 OF 2018 WITH FIRST APPEAL NO. 995 OF 2018 WITH
FIRST APPEAL NO. 997 OF 2018 WITH FIRST APPEAL NO.
1000 OF 2018 WITH CIVIL APPLICATION NO. 5121 OF 2019
IN FA/998/2018 WITH CIVIL APPLICATION NO. 5123 OF 2019
IN FA/999/2018 WITH CIVIL APPLICATION NO. 5119 OF 2019
IN FA/995/2018 WITH CIVIL APPLICATION NO. 5110 OF 2019
IN FA/996/2018 WITH CIVIL APPLICATION NO. 5127 OF 2019
IN FA/994/2018 WITH CIVIL APPLICATION NO. 5125 OF 2019
IN FA/1001/2018 WITH CIVIL APPLICATION NO. 5116 OF
2019 IN FA/997/2018 WITH CIVIL APPLICATION NO. 5114 OF
2019 IN FA/1002/2018

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Advocate for Applicants : Mr. Naiknavare Ramesh Vitthal.

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

Advocate for respective Respondent : Mr. Ruturaj C. Patil.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 15.10.2025

PER COURT :-

1. Heard the respective sides.
2. In Civil Application No.11013 of 2025, applicants are seeking modification to the order dated 21.06.2019 because of

the supervening events. Applicants were permitted to withdraw 60% of the amount on furnishing undertaking and remaining 40% on furnishing bank guarantee vide order dated 21.06.2019. Accordingly, the amount was withdrawn by the applicants. Applicants needed the amount of 40 % which was required to be deposited/invested for securing bank guarantee. In similarly situated matters, the Co-ordinate Bench dispensed with the bank guarantee vide order dated 23.06.2025. I do not find any impediment in adopting the same course in the present application.

3. Civil Application No.11013 of 2025 is allowed in terms of prayer clauses “B” and “C” to the extent of 40% of the amount.

4. Time to carry out amendment is extended by four (4) weeks.

5. Parties shall be at liberty to take steps for clubbing all the matters.

(SHAILESH P. BRAHME, J.)

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vmk/-