



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

920 CIVIL APPLICATION NO. 205 OF 2025
IN FAST/30169/2018

NETAJI SHIVRAM PATIL (DIED) THR. LRS KESHARBAI (DIED)
THR MANDAKINI AND OTHERS

VERSUS

G.M.I.D.C., THR THE EX. ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD AND OTHERS

...

Advocate for Applicants : Mr. Pravin B. Rakhunde.

AGP for Respondent / State: Mr. Rajdeep D. Raut.

Advocate for Respondent No.1 : Ms. Kalpalata Bharaswadkar Patil.

...

AND

CIVIL APPLICATION NO. 1830 OF 2020
IN FAST/30169/2018

G.M.I.D.C., THR THE EX. ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD AND OTHERS

VERSUS

NETAJI SHIVRAM PATIL AND OTHERS

...

Advocate for Applicants : Ms. Kalpalata Bharaswadkar Patil.

Advocate for Respondent Nos.1(a) to 1(e) : Mr. P. B. Rakhunde.

...

AND

CIVIL APPLICATION NO. 1839 OF 2020
IN FAST/30169/2018

G.M.I.D.C., THR THE EX. ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD AND OTHERS

VERSUS

NETAJI SHIVRAM PATIL AND OTHERS

...

Advocate for Applicant : Ms. Kalpalata Bharaswadkar Patil.

Advocate for Respondent Nos.1(a) to 1(e) : Mr. P. B. Rakhunde.

...

AND

CIVIL APPLICATION NO. 1831 OF 2020
IN FAST/30169/2018

G.M.I.D.C., THR THE EX. ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD AND OTHERS

VERSUS

NETAJI SHIVRAM PATIL AND OTHERS

...

Advocate for Applicant : Ms. Kalpalata Bharaswadkar Patil.

Advocate for Respondent Nos.1(a) to 1(e) : Mr. P. B. Rakhunde.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 09th January, 2025.

P.C.:

. Heard the learned counsel for the parties.

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2 This is an application seeking permission to file appeal.

3 The applicant / GMIDC was not a party in the original proceedings. Earlier, the Executive Engineer, Minor Irrigation Division, Osmanabad, was a party, which was under the control of the State of Maharashtra. Now, the charge of that office has been handed over to the applicant / GMIDC. Therefore, the applicant is a necessary party.

4 Considering the above and for the reasons stated in paragraph No.2 of the application, the application is allowed in terms of prayer clause (b). The application stands disposed of.

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5 This is an application for condonation of delay of 3087 days caused in filing the appeal.

6 The learned counsel for applicant pointed out and submitted that the applicant was not a party in the Trial Court / Reference Court. Therefore, the application seeking permission to file an appeal is preferred and the same has been allowed.

7 Considering the above and for the reasons stated in the application, it appears that the delay is not caused deliberately and intentionally. Therefore, the application deserves to be allowed in the interest of justice. Hence, the delay caused in filing the appeal stands condoned. The application is allowed. Appeal be registered.

CIVIL APPLICATION NO. 1831 OF 2020

8 This is an application seeking stay to the execution of the impugned judgment and award.

9 The learned counsel for the applicant / appellant submits that the entire amount as per the impugned judgment and award is deposited in this Court.

10 In view of the above, the application for stay has become infructuous. The application stands disposed of.

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11 The learned counsel for the applicants / claimants submits that applicant No.1-b / Mandakini Netaji Patil is no more and died in the year 2018. He submits that her legal representatives are already on record. He seeks permission to delete her name.

12 The learned counsel for the claimants, therefore, permitted to delete the name of applicant No.1-b / Mandakini Netaji Patil by bracketing it. Necessary amendment be carried out in the cause title of the appeal memo and other applications.

13 This application is for withdrawal of the remaining amount deposited by the appellant in this Court.

14 The learned counsel for the appellant strongly opposes the application. He submits that already 60% of the amount is withdrawn. However, considering the peculiar set of the facts of this case, it would be proper to allow the applicants / claimants to withdraw 15% of the amount with accrued interest thereon on furnishing usual undertaking. Hence, the following order is passed :-

ORDER

- I. The applicants / claimants are permitted to withdraw 15% of the amount with accrued interest thereon deposited in this Court on furnishing usual undertaking.

- II. With this, the civil application for withdrawal of amount stands disposed of.

Appeal:

15 Heard.

16 **Admit.**

17 Issue notice to the respondents, returnable on 20th February, 2025. Mr. Rakhunde, learned counsel waives notice on behalf of respondent Nos.1(a) and 1(c) to 1(e) on admission.

18 Print is dispensed with.

19 The record and proceedings be called for.

[SANJAY A. DESHMUKH, J.]

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