



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 CIVIL APPLICATION NO. 11612 OF 2025
IN FAST/30401/2021 (for LRS)
WITH CIVIL APPLICATION NO. 11613 OF 2025
IN FAST/30401/202 (for withdrawal)

BANABAI MOTIRAM DIWANE (DECEASED) THROUGH LRS
TULSABAI PRABHAKAR DIWANE AND OTHERS

VERSUS

THE EX. ENGINEER, MIW JALGAON AND OTHERS

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Advocate for Applicants : Mr. Akshay R. Bornare

Advocate for Respondent No.1 : Mr. A. D. Pawar

AGP for Respondent Nos. 2 and 3-State : Mr. D. R. Korade

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WITH

CIVIL APPLICATION NO. 1885 OF 2022 IN FAST/30401/2021
(for condonation of delay)

THE EX. ENGINEER, MINOR IRRIGATION DEPARTMENT JALGAON
AND ANOTHER

VERSUS

BANABAI MOTIRAM DIWANE (DECEASED) THROUGH LRS
TULSABAI PRABHAKAR DIWANE AND OTHERS

...

Advocate for Applicant : Mr. A. D. Pawar

AGP for Applicant No.2 : Mr. D. R. Korade

Advocate for Respondents : Mr. Akshay R. Bornare

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 17 OCTOBER 2025

PER COURT :-

CIVIL APPLICATION NO. 11612 OF 2025

1. This application is filed by the applicants-claimants to bring on record legal representatives of deceased Ishwar Diwane, who is the respondent no.2 in the First Appeal. Copy of the death certificate is annexed at page no. 11 of the application, which reflects date of death as 01.09.2021.
2. For the reasons mentioned in the application, the same is allowed in terms of prayer clauses "B" "B-1" and "C" and disposed off accordingly.
3. Appellant to carry out necessary amendment within two weeks.

CIVIL APPLICATION NO. 11613 OF 2025

1. This is an application seeking withdrawal of entire 75% amount deposited by the respondent acquiring body in this Court.
2. Learned counsel for the respondent acquiring body opposed the application.
3. As the amount deposited by the acquiring body is only to the extent of 75% of the award, and for the reasons mentioned in the application, the same is partly allowed. The applicants are permitted to withdraw 50% of the amount deposited in this Court on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The balance 50% amount be deposited in any nationalized bank in Fixed Deposit till disposal of the appeal.
4. The application is accordingly disposed off.

CIVIL APPLICATION NO. 1885 OF 2022

1. This application is filed by the appellant acquiring body, seeking condonation of delay of 984 days caused in filing the appeal.
2. For the reasons mentioned in the application, the same is allowed in terms of clause "B". Delay stands condoned. Registry to register the appeal.
3. The application is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]

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