



CORRECTED ORDER

(In view of speaking to the minutes order dated 10.10.2025)

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

CIVIL APPLICATION NO.10541 OF 2025 (Bringing Lrs.)
IN
FIRST APPEAL STAMP NO.30146 OF 2023

(Pandharinath s/o. Gyayana Chewale, died, through L.Rs.
vs.
The State of Maharashtra, through Collector)

AND

CIVIL APPLICATION NO.10535 OF 2025 (Bringing Lrs.)
IN
FIRST APPEAL STAMP NO.30136 OF 2023

(Bhaguram s/o. Nivrati Kasale, died, through L.Rs.
vs.
The State of Maharashtra, through Collector)

AND

CIVIL APPLICATION NO.10534 OF 2025 (Bringing Lrs.)
IN
FIRST APPEAL STAMP NO.31135 OF 2023

(Nivrati s/o. Shivba Kolhe
vs.
The State of Maharashtra, through Collector)

AND

CIVIL APPLICATION NO.10531 OF 2025 (Bringing Lrs.)
IN
FIRST APPEAL STAMP NO.30153 OF 2023

(Chandrabhagabai Ramchandra Kolhe, died, through L.Rs.
vs.
The State of Maharashtra, through Collector)

AND

CIVIL APPLICATION NO.10539 OF 2025 (Bringing Lrs.)
IN
FIRST APPEAL STAMP NO.30143 OF 2023

(Rukmoddin s/o. Babansab Tamboli died, through L.Rs.
vs.

The State of Maharashtra, through Collector)

AND

CIVIL APPLICATION NO.10529 OF 2025 (Bringing Lrs.)
IN

FIRST APPEAL STAMP NO.30124 OF 2023

(Sandipan s/o. Venkat Kandakure, died, through L.Rs.
vs.

The State of Maharashtra, through Collector)

AND

CIVIL APPLICATION NO.10538 OF 2025 (Bringing Lrs.)
IN

FIRST APPEAL STAMP NO.30165 OF 2023

(Kushavarta s/o. Bhauam Kolhe, died, through L.Rs.
vs.

The State of Maharashtra, through Collector)

AND

CIVIL APPLICATION NO.10522 OF 2025 (withdrawal of amount)
IN

FIRST APPEAL STAMP NO.32703 OF 2023

Mahadeo s/o. Harishchandra Sude
vs.

The State of Maharashtra and ors.

AND

CIVIL APPLICATION NO.10521 OF 2025 (withdrawal of amount)
IN

FIRST APPEAL NO.30777 OF 2023

AND

CIVIL APPLICATION NO.10524 OF 2025 (withdrawal of amount)
IN

FIRST APPEAL STAMP NO.30158 OF 2023

AND

CIVIL APPLICATION NO.10520 OF 2025 (withdrawal of amount)
IN

FIRST APPEAL STAMP NO.30149 OF 2023

AND
CIVIL APPLICATION NO. 10527 OF 2025 (withdrawal of amount)
IN
FIRST APPEAL STAMP NO.30140 OF 2023

AND
CIVIL APPLICATION NO. 10526 OF 2025 (withdrawal of amount)
IN
FIRST APPEAL STAMP NO.30132 OF 2023

AND
CIVIL APPLICATION NO.10523 OF 2025 (withdrawal of amount)
IN
FIRST APPEAL STAMP NO.32681 OF 2023

AND
CIVIL APPLICATION NO. 10525 OF 2025 (withdrawal of amount)
IN
FIRST APPEAL STAMP NO.33629 OF 2023

Mr.L.C.Patil, Advocate for applicants in all applications
Mr,S.S.Dande and S.V.Hange, AGPs for respondent nos.1 and 2 in
respective matters
Mr.S.C.Arora, Advocate for respondent no.3

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 25, 2025

ORDER :-

Applications For Bringing L.RS. on record:-

These Civil Applications are filed by the applicants for incorporation of their names in the capacity as legal representatives of the deceased claimants.

2. Mr.L.C.Patil, learned counsel for the applicants, submits that the original claimants have died and present applicants are their legal representatives. He would further submit that the right of the

claimants to receive compensation in the present appeals is devolves into and survives by the present applicants in the capacity of legal representatives of deceased - claimants. He would further submit that there is delay ranging between 410 and 1493 days in bringing the legal representatives on record. The details as regards the names of deceased in the respective applications, L.A.R. numbers and days of delay are as under:-

Sr. No.	C.A. Nos. (Year 2025)	F.A.St Nos. (Year 2023)	Name of Deceased	L.A.R. No.	Days of delay
1	10541	30146	Pandharinath s/o. Gyayana Chewale	84/2009	541
2	10535	30136	Bhagurm s/o. Nivrati Kasale	222/2010	460
3	10534	31135	Nivrati s/o. Shivba Kolhe	159/2009	1065
4	10531	30153	Chandrabhagabai Ramchandra Kolhe	88/2009	880
5	10539	30143	Rukmoddin s/o. Babansab Tamboli	83/2009	410
6	10529	30124	Sandipan s/o. Venkat Kandakure	945/2006	1493
7	10538	30165	Kushavarta s/o. Bhauram Kolhe	152/2009	1335

He submits that due to lack of knowledge of the present proceedings, the applications could not be filed earlier. In view of this, he prays for condonation of delay in filing the applications and to direct the appellants to amend the title clause of the appeals and applications therein, by incorporating the names of the present applicants in the capacity as legal representatives of the claimants.

3. Mr.Arora, learned counsel, in all fairness, places his no objection to allow the applications.

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

(i) Civil Applications are allowed.

(ii) Delay caused in filing the applications is condoned.

(iii) The appellant - acquiring body to carry out the necessary amendment in the title clause of the appeals as well as the applications therein, within two weeks from today.

C.As. for withdrawal of amount:

5. In compliance of the order passed by this court while granting stay, the acquiring body has deposited the award amount in this court with interest accrued thereon. In view of this, the applicants, who have lost their properties in the compulsory acquisition, has filed present applications in the respective appeals, seeking permission to withdraw the deposited amount. The details as regards the names of the applicants - claimants in the respective applications and the L.A.R. numbers are as under:-

Sr. No.	C.A. No. (Year 2025)	F.A. St. No. (Year 2023)	Name of the applicant	L.A.R. No.
1	10522	32703	Mahadeo s/o. Harishchandra Sude	38/20103
2	10521	30777	Vijaykumar s/o. Tukaram Kasle	763/2009

3	10524	30158	Sanjay s/o. Ashok Bastapure	89/2009
4	10520	30149	Santosh s/o. Ram Kolhe	87/2009
5	10527	30140	Vithal s/o. Dnyanoba Kutwad (died)	82/2009
6	10526	30132	Shakuntala s/o. Harischandra Kolhe	158/2009
7	10523	32681	Rajkumar s/o. Rama Kolhe	157/2009
8	10525	33629	Kiishor s/o. Vithal Kolhe	157/2009
The judgment and award dated 22/10/2021 passed by Illrd Jt. Civil Judge, Senior Division, Latur.				

6. Mr.L.C.Patil, learned counsel for the applicants - claimants submits that it is not disputed that the properties of the applicants are acquired by the acquiring body. The entitlement of the applicants - claimants for compensation has been adjudicated by the reference court on appreciating the evidence on record and examining the facts. The applicants have legitimate right to receive the compensation, which is enhanced by learned reference court. As the applicants are in dire need of money and as their sole source of earning has been acquired by the acquiring body, they are left with no choice than to file the present applications.

7. Mr.Patil, learned counsel for the applicants, places reliance on the order dated 21.11.2016 passed by this Court in Civil Application No.14037 of 2016 in FA No.1679/2014 with connected matters. Mr.Patil, learned counsel, submits that the cited matters, arise out of the same land acquisition proceedings and the land

acquisition notification as also the award, which are the subject matters of present appeals and applications. He would submit that the order dated 21.11.2018 (supra) was passed after hearing the concerned parties, mainly, the acquiring body, on its own merits and thereafter, this court permitted the applicants therein to withdraw 50% of the amount deposited by furnishing undertaking to the satisfaction of learned Registrar (Judicial). He would further submit that they were also permitted to withdraw 25% of the deposited amount, on furnishing solvent security/surety for the like amount and balance 25% amount on furnishing Bank guarantee of any scheduled bank. Mr.Patil also submits that in the said order, this court has taken a note of the order dated 11.09.2011, passed by the Division Bench of this court in Civil Application No.11629 of 2015 with connected matters so also the order passed in Civil Application No.9727 of 2015 passed by learned single Judge of this court.

8. Mr.Patil, learned counsel for the applicants, would also cite another order passed by this Court on 04.09.2025, in Civil Application No.9440 of 2025 in FAST No.31185/2023, whereby, this court permitted withdrawal of 50% of the amount with accrued interest, on furnishing undertaking and 50% amount on furnishing solvent security/surety. Mr.Patil would also invite attention of the

court to the order dated 08.08.2025, passed by this court in Civil Application No.8191 of 2025 in FA No.2321 of 2014, whereby, withdraw of amount has been permitted on the same lines.

9. Mr.Patil, learned counsel for the applicants, now, submits that as the cited orders, permitting withdrawal of amount, arise out of one and same land acquisition proceedings and land acquisition notification, present applicants may also be permitted to withdraw the deposited amount in the same mode, on the principle of parity.

10. Mr.Arora, learned counsel for the acquiring body, opposes withdrawal of amount by the applicants. He, however, agrees with the cited orders and that the matter pertains to the same land acquisition proceedings, award and notification. He agrees that the present appeals are also based on the same objections, which have been raised in the appeals in the cited cases. He would submit that the acquiring body, however, may have objection to the findings recorded by the reference court, which the acquiring body would demonstrate at the time of hearing of the appeals.

11. In view of the above, I pass the following order:-

(i) The applicants are permitted to withdraw 50% of the deposited amount along with interest accrued thereon, on furnishing an undertaking to the effect that in the event of success of the

acquiring body in the appeals, the applicants shall redeposit the amount within a period of three months from such decision in the office of this court.

(ii) The remaining 50% of the amount along with accrued interest thereon, is permitted to be withdrawn, on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.

(iii) The applications stand disposed of accordingly.

[AJIT B. KADETHANKAR, J.]

KBP