



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

**CIVIL APPLICATION NO. 10667 OF 2025
IN FA/4479/2016**

Govind Limbaji Gaure And Others

VERSUS

**Executive Engineer, Irrigation Project Strengthening Division,
Osmanabad**

...

Mr. L. C. Patil, Advocate for Applicants

Mr. S. S. Dande, AGP for Respondents-State

Mr. S. G. Sangle, Advocate for Respondent no.2

...

WITH

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.....

CORAM : AJIT B. KADETHANKAR.

DATED : 29TH SEPTEMBER, 2025

ORDER :-

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. Leave to correct.

2. Mr. L. C. Patil, learned Advocate for the applicants submits that feeling aggrieved and dissatisfied with the judgment and award dated 12.07.2012, passed by the learned Joint Civil Judge, Senior Division, Omerga in L.A.R. No.969 of 2005, the Acquiring Body has presented the First Appeal. He further submits that during the course of hearing of the First Appeal, particularly on 19.06.2023, the original claimant namely Govind S/o Limbaji @ Limbraj Gaure is died and

hence the present application is filed by present applicant nos.1 to 6 to get themselves impleaded in the First Appeal as also in the applications therein as legal representatives of the deceased Govind Gaure.

3. Mr. L. C. Patil, learned Advocate submits that there is delay of 737 days caused in filing the present Civil Application. He would further submit that due to the unawareness of the legal proceedings pending in the High Court as also the details of such proceedings, the applicants could not file the application earlier. It is only after getting full knowledge of the First Appeal, present Civil Application has been filed. There is no deliberate delay or negligence on the part of any applicants to lodge the application. It is further submitted that the right to be heard in the appeal has devolved upon the present applicant in the capacity of legal representatives of the deceased claimant.

4. In view of above, Mr. L. C. Patil, learned Advocate submits that the delay of 737 days caused in filing the present Civil Application be condoned and this application be allowed.

5. Mr. S. S. Dande, learned AGP in all fairness places his no objection to allow this application since it is a formality.

6. In view of above submissions, I pass following order:

ORDER

- a. Civil Application stands allowed.
- b. Delay caused in filing present application stands condoned.
- c. The appellants to amend the title clause of the First Appeal and applications therein by incorporating the names of applicant nos.1 to 6 as legal representatives of deceased Govind S/o Limbaji @ Limbraj Gaure.
- d. Amendment be carried out within four weeks from today.

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. Learned Advocate Mr. L. C. Patil would submit that in view of order dated 20.03.2019, the applicants have submitted solvent surety/security for withdrawal of a portion i.e. 25 percent out of the total amount deposited by the Acquiring Body in this Court. Mr. Patil, learned Advocate would submit that accordingly, the applicants furnished such solvent surety/security and withdrew such 25 percent amount. Now vide the present application, Mr. Patil submits that as the earlier surety has declined to continue, the applicants wish to replace the solvent surety/security that was furnished earlier.

2. Mr. R. A. Tambe, learned Advocate representing the

Acquiring Body places no objection provided that the solvent surety/security given by the applicants earlier be continued to secure the interest of the Acquiring Body.

3. In view of above, I pass following order:

ORDER

- a. Civil Application stands allowed.
- b. Applicants are permitted to replace the earlier solvent surety/security with a fresh solvent surety/security of like amount to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. The learned Registrar (Judicial) of this Court is requested to ensure that the solvent surety/security given by the applicants for the 25 percent amount allowed to be withdrawn stands continued even after the replacement of such solvent surety/security.
- d. Upon replacement of the solvent surety/security, the earlier surety/security shall stand discharged.
- e. Civil Application stands disposed of.

(AJIT B. KADETHANKAR, J.)