



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

958 FIRST APPEAL NO. 432 OF 2025

**THE EXECUTIVE ENGINEER, PATHBHANDARE PRAKALP
MAJBUTIKARN VIBHAG OMERGA AND ANR**

VERSUS

NAGNATH RAMA KALE AND ANR

**WITH CIVIL APPLICATION NO. 8543 OF 2025
IN FA/433/2025 WITH CIVIL APPLICATION NO. 8542 OF
2025 IN FA/434/2025 WITH CIVIL APPLICATION NO. 8569
OF 2025 IN FA/432/2025 WITH CIVIL APPLICATION NO.
11159 OF 2024 IN FA/432/2025 WITH FIRST APPEAL NO.
434 OF 2025 WITH CIVIL APPLICATION NO. 11164 OF 2024
IN FA/434/2025 WITH FIRST APPEAL NO. 433 OF 2025 WITH
CIVIL APPLICATION NO. 11162 OF 2024 IN FA/433/2025
WITH CIVIL APPLICATION NO. 9337 OF 2025 IN FA/433/2025**

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Advocate for Appellants : Ms. Shelke Sunita Dashrathrao.

AGP for Respondent/s-State : Mr. D. B. Bhange.

Advocate for respective Respondents : Mr. L. C. Patil.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 26.08.2025

PER COURT :-

1. These applications are for withdrawal of amount deposited by respondent/acquiring body. Respondent/acquiring body has deposited Rs.2,24,29,781/- in aggregate in these matters. In First Appeal No.432 of 2025 deposits are Rs.1,77,26,076/-. In First Appeal No.433 of 2025 deposits are Rs.37,31,043/-. In First Appeal No.434 of 2025 deposits are

9,72,662/-. These are sought to be withdrawn by the applicants.

2. Learned counsel for the respondents opposed the applications.

3. My attention is adverted to the common order passed by this Court on 14.08.2025 permitting the applicants to withdraw 50% of the amount on furnishing undertaking and balance 50% on furnishing solvent surety/security. Order dated 14.08.2025 passed by this Court is further rectified by order dated 19.08.2025. Applicants are entitled to receive the amount on the ground of party.

4. Applications for withdrawal of amount are partly allowed permitting the applicants to receive 50% of the amount with accrued interest on furnishing undertaking and balance 50% on furnishing solvent surety/security from the amount deposited.

In First Appeals

5. **Admit.**

6. Learned counsel Mr. Patil waives service of notice for respective respondents.

7. Call for Record and Proceedings from the concerned Court if not called.

8. Print is dispensed with.

Civil Applications for Stay

9. As entire amount deposited, ad-interim relief shall stand confirmed.

10. Civil applications for stay are disposed of.

Civil Application No.9337 of 2025

11. This application is for condonation of delay in bringing heirs of sole claimant Ambadas Krushna Jagtap on record.

12. Learned counsel for the applicants orally submits that delay needs to be condoned as there are no malafides. The cause of action survives against legal heirs of the original applicant.

13. For the reasons stated in the application, delay stands condoned. Abatement if any stands set aside and application is allowed in terms of prayer clause "B".

14. Both the parties shall be at liberty to carry out amendment.

(SHAILESH P. BRAHME, J.)

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vmk/-