



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 CIVIL APPLICATION NO. 12800 OF 2025
IN FA/3010/2021
WITH
CIVIL APPLICATION NO. 12821 OF 2025
IN FA/3010/2021
WITH
CIVIL APPLICATION NO. 12891 OF 2021
IN FA/3010/2021

MADHAV GANPATI SHINDE DIED THR LRS LAXMIBAI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Sachin Bhalerao h/f Mr. Kale Ajeet B.
AGP for Respondent nos. 1 & 2 : Mr. S.V. Tambe
Advocate for Respondent No. 3 : Mrs. Vaishali S. Swami h/f Mr. Sudhir G.
Bhalerao

...
CORAM : SHAILESH P. BRAHME, J.
DATE : 26.11.2025

PER COURT :

CIVIL APPLICATION FOR CONDONATION OF DELAY

The applicants seek to condone the delay of 1840 days in setting aside abatement and bringing legal heirs of deceased Mahadeo Ganpati Shinde on record. The cause of action survives against the legal heirs of deceased claimant Mahadeo. It is desirable to condone the delay.

2. The Civil Application is allowed in terms of prayer clause 'B' and 'C'.
3. Both parties shall carryout the amendment.
4. The Civil Application is disposed of.

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

5. The applicants seek to withdraw an amount of Rs. 9,09,453/-

deposited by the respondent-Acquiring Body. In similarly situated matters the claimants are permitted to receive 50% of the amount with accrued on furnishing an undertaking and 50% of the amount with accrued interest on furnishing solvent surety/security. I propose to follow the same course.

6. The Civil Application is partly allowed.

7. The applicants are permitted to receive 50% of the amount with accrued on furnishing an undertaking and 50% of the amount with accrued interest on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank.

8. The Civil Application is disposed of.

FIRST APPEAL

9. **Admit.** Learned counsel Mr. Mr. Sachin Bhalerao h/f Mr. Kale Ajeet B. waives service for respondent no. 1. Learned A.G.P. waives service for respondent no. 2 and 3.

10. Call for record and proceedings.

11. Print is dispensed with.

APPLICATION FOR STAY

12. In view of depositing of the entire amount, *ad interim* relief granted earlier shall stand confirmed.

13. The Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-