



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

36CIVIL APPLICATION NO. 10912 OF 2025  
IN FA/1851/2024  
WITH  
CIVIL APPLICATION NO. 10934 OF 2025  
IN FA/1851/2024

VITHOBA RAMA PATULE DIED THROUGH LRS BABAN VITHOBA PATULE  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR  
OSMANABAD

...  
Advocate for Applicant : Mr. Madhav K. Jadhav h/f Mr. More Abhijit S.  
AGP for Respondent nos. 1 & 3: Mrs. M.N. Ghanekar  
Advocate for Respondent No. 2 : Mr. Dhiraj R. Jethliya

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

DATE : 08.12.2025

PER COURT :

**CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT**

The applicants seek to withdraw amount of Rs. 23,91,072/- by relying upon order passed in earlier matters, permitting the claimants to withdraw 50% of the amount with accrued interest on furnishing undertaking and further 25% of the amount with accrued interest on furnishing solvent surety/security. I propose to follow the same course.

2. The Civil Application is allowed partly permitting the applicants/claimants to receive 50% of the amount with accrued interest on furnishing undertaking and further 25% 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.

3. The Civil Application is disposed of.

**CIVIL APPLICATION NO. 10934/2024 IN FA/1851/2024**

The applicants seek to condonation of delay of 735 days in setting aside abatement and bringing legal heirs of deceased claimant/applicant no. 2 Shahaji Vithoba Patule on record. The cause of action survives against the legal heirs of the deceased claimant/applicant no. 2. It is candidly submitted by the learned counsel for the applicants that except two legal heirs, which are shown in the application, there are no other legal heirs of deceased Shahaji. It is desirable to condone the delay.

2. The Civil Application is allowed. The delay stands condoned, abatement is set aside and permission is granted to bring legal heirs of deceased claimant/applicant No. 2 Shahaji Vithoba Patule on record. Both parties shall be at liberty to carryout the amendment.

**( SHAILESH P. BRAHME, J.)**

mkd/-