



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

48 CIVIL APPLICATION NO. 3763 OF 2025
IN FA/3132/2023

MURLIDHAR BABAJI JADHAV (DIED) THROUGH LRS ARUN MURLIDHAR
JADHAV AND OTHERS

VERSUS

THE EX. ENGINEER, IRRI. PRO. STRENGTHENING DIV. OMERGA AND ORS

...

Mr. Shrikant Y. Patil h/f. Mr. V. B. Deshmukh, Advocate for Applicants

Mr. S. V. Hange, AGP for Respondents-State

Mr. Sudhir G. Bhalerao, Advocate for Respondent No.1 (Through V.C.)

WITH

CIVIL APPLICATION NO. 770 OF 2022
IN FA/3132/2023

SHUBHANGI D/O DHANAJI JADHAV AND ANR

VERSUS

THE EX. ENGINEER, IRRI. PRO. STRENGTHENING DIV. OMERGA AND ORS

...

Mr. Ganesh J. Kore, Advocate for Applicants

Mr. S. V. Hange, AGP for Respondents-State

Mr. Sudhir G. Bhalerao, Advocate for Respondent No.1

Mr. V. B. Deshmukh, Advocate for Respondent No.4A to 4D

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CORAM : SHAILESH P. BRAHME, J.

DATE : 03.12.2025

PER COURT :-

CIVIL APPLICATION NO. 770 OF 2022

. Applicants are seeking intervention in the First Appeal. They are
claiming to be the daughter and wife of claimant no.1C – Dhanaji

Murlidharrao Jadhav. Due to matrimonial disputes, they are staying separately. It is contended that they are entitled to have share in the compensation. It is further contended that they have filed RCS No.186 of 2016 for partition against Dhanaji.

2. Application is contested by the respondents. It is submitted that applicants were not parties before the Reference Court. The acquisition is in respect of land Gat No.516 which is not the subject matter of the suit.

3. Applicants were not parties to the reference proceedings. They are coming before this Court for the first time. Original claimant was Murlidhar Babaji Jadhav. After his death, he is survived by two sons, daughter and widow. One of the sons i.e. Dhanaji is the father of applicant no.1 and husband of applicant no.2. In the life time of Dhanaji, applicant no.2 – Sangita is not entitled to claim anything. A copy of plaint of RCS No.186 of 2016 shows that Gat No.516 is not the subject matter nor is any relief claimed in respect of compensation. No case is made out that applicants are interested persons at this juncture.

4. Civil Application is rejected. However, it would be open for the applicants to take proper recourse of law to agitate their right.

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. It is informed across the bar that one of the legal heirs of original claimant – Murlidhar Babaji Jadhav i.e. applicant no.4 Yeshodabai Murlidharrao Jadhav is no more and she is survived by other legal heirs who are already on record as applicant nos.1 to 3.

2. Applicants are praying withdrawal of amount of Rs.37,20,125/- deposited by the respondent – acquiring body. Entire amount of compensation has been deposited which is sought to be withdrawn relying on order dated 13.08.2025.

2. The reference in the present appeal and the reference in the appeals in which order dated 13.08.2025 was passed were decided by common judgment and award by the Reference Court. I find no difficulty in following the same course by permitting the applicants to receive 75% of the deposited amount on certain conditions.

3. Civil Application is allowed partly permitting the applicants to receive 50% of the deposited amount with accrued interest on furnishing undertaking to the satisfaction of the learned Registrar (Judicial) of this Court and 25% of the deposited amount with accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this

Court.

FIRST APPEAL

. **Admit.** Mr. Shrikant Y. Patil h/f. Mr. V. B. Deshmukh, learned counsel waive service of notice for respondents/claimants.

2. Call for Record and Proceeding. Print is dispensed with.

(SHAILESH P. BRAHME, J.)

PRW