



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 CIVIL APPLICATION NO. 12091 OF 2025
IN FA/4202/2022

BHUJANG S/O NIVRUTTI KAWADE DIED THR LRS VIJAYMALA AND ORS
VERSUS
EX. ENGINEER IRRIGATION DIV. OSMANABAD AND ORS

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Mr. V. S. Undre, Advocate for Applicants
Mrs. M. N. Ghanekar, AGP for Respondents-State
Mr. V. B. Dhage h/f. Mr. R. B. Gaikwad, Advocate for Respondent No.1

WITH
CIVIL APPLICATION NO. 1455 OF 2024
IN FA/4202/2022

BHUJANG S/O NIVRUTTI KAWADE
VERSUS
THE G.M.I.D.C., THR ITS EX. ENGINEER OSMANABAD AND ORS

WITH
CIVIL APPLICATION NO. 12092 OF 2025
IN FA/4202/2022

BHUJANG S/O NIVRUTTI KAWADE DIED THR LRS VIJAYMALA
VERSUS
THE EXECUTIVE ENGINEER IRRIGATION DIV. OSMANABAD AND ORS

WITH
CIVIL APPLICATION NO. 6499 OF 2022
IN FA/4202/2022

THE G.M.I.D.C., THR ITS EX. ENGINEER IRRIGATION DIV. OSMANABAD AND
ORS
VERSUS
BHUJANG S/O NIVRUTTI KAWADE

...

Mr. V. B. Dhage h/f. Mr. R. B. Gaikwad, Advocate for Applicants
Mr. V. S. Undre, Advocate for Respondent

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CORAM : SHAILESH P. BRAHME, J.

DATE : 12.11.2025

PER COURT :-

CIVIL APPLICATION NO. 12092 OF 2025

1. Applicant prays for condonation of delay in setting aside abatement and bringing legal heirs of deceased claimant Mr. Bhujang Nivrutti Kawade on record. The cause of action survives as against the legal heirs. They are necessary parties. There is no reason to infer any malafides for the delay.
2. Civil Application is allowed in terms of prayer clause “A”, “B” and “C”.
3. Civil Application is disposed of.

CIVIL APPLICATION NO. 12091 OF 2025

1. Heard both sides.
2. Applicant seeks to withdraw an amount of Rs.11,99,191/- deposited by the respondent-acquiring body on the ground of parity. My attention is adverted to common order dated 9th June 2023 passed by the coordinate bench permitting the claimants who are affected by the same project to receive the amount on certain conditions.
3. It is not controverted that the similarly situated claimants were permitted to receive 75% on furnishing undertaking and balance 25% on solvent surety/security. There is no difficulty in following the same course.

4. Civil Application is partly allowed permitting the applicants to receive 75% amount with accrued interest on furnishing usual undertaking and balance 25% amount with accrued interest on solvent surety/security to the satisfaction of the learned Registrar (Judicial).

FIRST APPEAL 4202 of 2022

1. **Admit.**
2. Mr. V. S. Undre, learned counsel waives service of notice for the respondent.
3. Call for Record and Proceeding. Print is dispensed with.

CIVIL APPLICATION NO. 6499 OF 2022

1. As the entire amount is deposited by the acquiring body, *ad-interim* relief granted earlier shall stand confirmed.
2. Civil Application is allowed and disposed of.
3. Parties shall be at liberty to carry out amendment.

CIVIL APPLICATION NO. 1455 OF 2024

1. This civil application is not pressed and therefore disposed of accordingly.

(SHAILESH P. BRAHME, J.)