



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**927 CIVIL APPLICATION NO. 9168 OF 2025
IN FAST/31238/2022**

BABRUWAN S/O SHANKAR MHETRE BHOJANE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicant : Mr. Laxmikant C. Patil

AGP for Respondent-State : Mr. D. R. Korade

Advocate for Respondents : Mr. Rahul A. Tambe

...

**WITH CIVIL APPLICATION NO. 10012 OF 2023
IN FAST/31238/2022**

**WITH CIVIL APPLICATION NO. 10013 OF 2023
IN FAST/31238/2022**

WITH FIRST APPEAL STAMP NO. 31238 OF 2022

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIVISION OMERGA

VERSUS

BABRUWAN SHANKAR MHETRE (BHOJANE)

...

Advocate for the Applicant : Mr. Rahul A. Tambe

Advocate for Respondent : Ms. Laxmi R. Thakur h/f Mr. L. C. Patil

...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 26 SEPTEMBER 2025

PER COURT :-

CIVIL APPLICATION NO. 10012 OF 2023

1. This Civil Application is filed by the acquiring body seeking condonation of delay of 1810 days caused in filing the First Appeal.

2. For the reasons set out in the application, so also in view of the ratio laid down by the Hon'ble Apex Court in the case of ***Sheo Raj Singh (Deceased through LRs) & Ors. v. Union of India and Ors.*** [Civil Appeal No. 5867 of 2015 decided on 09.10.2023] the delay of 1810 days caused in filing the First Appeal is hereby condoned. The Civil Application is allowed and disposed off accordingly. Registry to register the First Appeal, subject to removal of office objections, if any, by the applicant/appellant within four weeks.

FIRST APPEAL STAMP NO. 31238 OF 2022

3. Issue notice to the respondent. Learned Advocate Ms. L. R. Thakur h/f Mr. L. C. Patil waives service of notice for respondent-sole.

4. **Admit.**

5. Call record and proceedings.

CIVIL APPLICATION NO. 10013 OF 2023 (for stay)

6. Learned counsel for the applicant/appellant submits that 50% of the total amount of compensation along with proportionate interest has been deposited in this Court in compliance of the condition imposed by this Court vide its order dated 19.08.2023.

7. In view of the above, the interim stay granted vide order dated 19.08.2023 is made absolute. The Civil Application is allowed in terms of prayer clause "B" and disposed off accordingly.

CIVIL APPLICATION NO. 9168 OF 2025 (for withdrawal of amount)

8. This Civil Application is filed by the applicant-original claimant seeking withdrawal of the amount deposited by the acquiring body.

9. Learned counsel for the applicant-claimant submits that the appellant-acquiring body has deposited 50% of the total award amount in this Court as directed by order dated 19.08.2023 passed in Civil Application No. 10013 of 2023. She further points out that, in similar matter, i.e. Civil Application No. 10249 of 2025 in First Appeal (St) No. 22829 of 2023 with other applications, this court by order dated 20.09.2025 has permitted the claimant therein to withdraw the amount deposited by the acquiring body on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Copy of the said order dated 20.09.2025 is also placed on record. Learned counsel for the acquiring body does not dispute the aforesaid aspect.

10. In view of the above, the application stands allowed. The claimants are permitted to withdraw the amount deposited by the Acquiring Body in this Court on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court. The Civil Application is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]